

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

2014-P-1127

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COMMONWEALTH,  
Appellee

v.

HARVEY J. BIGELOW,  
Appellant

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ON APPEAL FROM A JUDGMENT OF THE TAUNTON DISTRICT COURT

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APPELLANT/HARVEY J. BIGELOW'S BRIEF AND RECORD APPENDIX

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### ISSUES PRESENTED

1. It was alleged that the defendant wrote and mailed five anonymous letters to a Rehoboth selectman and his wife and based on those documents he was charged with two counts of criminal harassment in violation of G.L. c. 265, §43A wherein the selectman and his wife each were named as a complainant. Where the selectman is a public figure and none of the letters contain "fighting words" or "true threats" but rather merely reflect expressions of dissatisfaction with the selectman's performance, was the defendant's purported speech underlying his conviction constitutionally protected speech?
2. When there was no evidence that the defendant engaged in three separate incidents of conduct directed at each complainant, as required by G.L. c. 265, § 43A, was the defendant's motion for a required finding of not guilty properly denied?
3. To the extent that one of the complainants (Mrs. Costello) was "seriously alarmed", if she was, by the defendant's alleged conduct, was it of such a nature that would cause a reasonable person to

suffer "substantial emotion distress" as required by the statute?

4. Where the prosecutor misstated the law, namely two elements of the offense, and misstated material facts, was the defendant prejudiced thereby when all of the errors went to the heart of the case, the jury instructions did not mitigate the damage, and the errors cumulatively contributed greatly to a guilty conviction?
5. In his opening statement, the prosecutor told the jury that it would hear testimony from the Commonwealth's handwriting analysis expert that it was "highly probable" that the defendant was the author of all five letters mailed to the complainants and that the defendant made admissions to the police. Did trial counsel render ineffective assistance of counsel when he failed to move for a mistrial when the prosecutor's promised and damning evidence did not materialize at trial?

#### **STATEMENT OF THE CASE**

On November 11, 2011, a complaint issued out of Taunton District Court charging Harvey J. Bigelow (the "defendant") with two counts of criminal harassment in

violation of G.L. c. 265, § 43A.<sup>1</sup> [R.9]. Michael Costello ("Mr. Costello") was the listed complainant on count one and his wife, Susan Costello ("Mrs. Costello"), was listed as the complainant on count two. [R.9].

On May 10, 2012, the defendant's motion to dismiss both counts was heard, Phillips, J., presiding, and on June 8, 2012, that motion was denied. [Tr.1/7-24,30].

The matter proceeded to trial on August 13, 2013, Phillips, J., presiding. [Tr.1/33]. The defendant filed a motion entitled a "Motion to Exclude Robert Foley as Expert Witness for Commonwealth", but after a voir dire of Mr. Foley, the judge found him to be qualified as an expert in handwriting analysis and denied the defendant's motion. [R.16]. The Commonwealth's list of potential witnesses included Mr. Foley but he did not testify at trial even though he was present at trial. [Tr.1/56;R.18]. After the Commonwealth rested, the defendant's motion for

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<sup>1</sup> Record references will be cited as follows: the trial transcript will be cited at [Tr.volume number/page number] and the defendant's record appendix will be cited as [R.page number].

required finding of not guilty was heard and denied.  
[Tr.2/17-20].

On August 14, 2013, the jury found the defendant guilty as charged. [Tr.2/56;R.5]. The defendant's request for a stay of execution was denied and the defendant was held at the house of correction. [Tr. 2/70]. The judge ordered the defendant to write a letter of apology to the complainants and to the editor of three local newspaper. [Tr.2/66,70,71,82] The matter was stayed until August 21, 2013 for sentencing and was further stayed to August 28, 2013 because the judge was not available on August 21. [Tr. 2/71,84]. On August 28, 2013, the defendant produced a letter, but the complainants and the judge found the letter to be not "sincere". [Tr.2/73]. The judge ordered the defendant to be held until he wrote an "acceptable" letter. [Tr.2/78]. The defendant wrote another letter and he was released. [Tr.2/78]. The defendant was sentenced to one year straight probation with the conditions that the defendant write a letter of apology addressed to the editor of three local newspapers and to the complainants to be published in

three local newspapers. [Tr.66;R.2]. The defendant timely filed a notice of appeal. [R.7].

**STATEMENT OF THE FACTS:**

Mr. and Mrs. Costello are residents of Rehoboth, Massachusetts. [Tr.1/133]. In April 2011, Mr. Costello was elected Selectman of Rehoboth. [Tr. 1/97]. Mrs. Costello described her relationship with Mr. Costello as "good" but "stressful". [Tr.1/98].

Between May 9, 2011 and July 30, 2011, the Costellos received five anonymous letters all of which were were mailed to the Costello's home located at 11 Judith Ann Circle in Rehoboth, Massachusetts ("home address"). [Tr.1/96-97]. All of the letters were typewritten, and as the Commonwealth described, all were about Mr. Costello. [R.19-35]. Specifically, the Commonwealth described the letters as "the defendant's displeasure" with Mr. Costello's performance as a selectman and that the defendant's words "strayed into profanity and derogatory comments and slanderous statements." [Tr. 1/5,6].

Mr. Costello testified that he received the first letter in the mail and that either he alone opened it or together he and his wife opened it. [Tr.

1/138,140,146]. The envelope was addressed to "Mr. and Mrs. Michael Costello." [Tr.1/138]. He testified that after he read it, he "felt it was starting all over again because before the election I had this type of harassment and I felt that after the election [] they didn't stop and this was another session of their harassment."<sup>2</sup> [Tr.1/138]. Mr. Costello brought the letter to the police station and filed a complaint. [Tr.1/139]. Thereafter, an investigation began with Detective Brian Ramos of the Rehoboth Police Department as the lead detective. [Tr.1/153].

The Detective instructed the Costellos to deliver all future letters to the police department unopened, which is what Mr. Costello did. [Tr. 1/139,150,153,154]. Mr. Costello testified that he subsequently received four more letters and that he personally delivered all of them to the police department unopened. [Tr.1/139,140,150,153,154]. He further testified that Mrs. Costello did not open any of the letters, except for the first letter. [Tr. 1/146,150,154].

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<sup>2</sup> There was no evidence or suggestion made by the Commonwealth that the defendant was involved in this prior "harassment".

After all five letters were in the hands of the police department, Mr. Costello received copies of the letters from the police, at his request, which he read "a few days" later. [Tr.1/141,153-154]. He then showed the copies to Mrs. Costello. [Tr.1/154,155]. Mr. Costello testified that this was the first time that Mrs. Costello had seen or read the four subsequent letters. [Tr.1/154,158].

After reading the letters, Mr. Costello testified that he "felt like my character was fully run through the mud and [he] didn't feel it was fair", but he recognized that as a selectman, he was subject to criticism. [Tr.1/141,145]. He described the letters as "basically lies" and "against my character". [Tr. 1/148]. He also testified that he actually "felt bad for the author." [Tr.1/141].

Mrs. Costello testified, however, her testimony differed from Mr. Costello. She testified that she personally received and opened all letters, except for the last one. [Tr.1/121]. Regarding the first letter (Commonwealth's Exhibit 1), she testified that sometime in May 2011, she found a letter in her mailbox addressed to "Mr. and Mrs. Michael Costello".

[Tr.1/98,99;R.19]. She opened the letter, read it and "felt hysterical." [Tr.1/99]. She called her husband and he said to her, "I'll take care of it." [Tr. 1/99]. She could not remember what she did after she telephoned her husband. [Tr.1/99]. Mrs. Costello was not mentioned in this letter.

Mrs. Costello testified that she received a second letter (Commonwealth's Exhibit 2). [Tr. 1/102,103;R.21]. The envelope, which was addressed to her at her home address, was post-marked May 26, 2011 and it did not have a return address. [Tr.1/102;R. 25]. She described the content of the letter as "hateful and mean and hurtful and disgusting". [Tr. 1/102]. She testified that she felt "mad, angry" and she "could not stop crying, couldn't sleep, [and she was] afraid to live in [her] own home, [and] afraid to be alone." [Tr.1/102,103]. Mrs. Costello was not mentioned in this letter.

She received a third letter, which was addressed to "Mrs. Michael Costello" (Commonwealth's Exhibit 3). [Tr.1/104,105;R.27]. She testified that she received this letter "at my home." [Tr.1/104]. When she



opened it, she was "a wreck" [Tr.1/105]. She claimed she could not sleep or eat. [Tr.1/105].

Mrs. Costello claimed that she received a fourth letter, which she opened. (Commonwealth's Exhibit 4). [Tr.1/106,107]. She described this letter as a "hateful letter, [and] another scary letter." [Tr. 1/106]. The letter asked her to "Please convince that moran to resign". [R.29]. She claimed that she "could not eat dinner" and that it was "affecting [her] whole life and she could not sleep at night." [Tr.1/108]. The Commonwealth asked her if her ability to perform her duties at Weight Watchers was affected to which she replied "a little". [Tr.1/108]. She testified that after she read the letter, she brought the letter to the police station. [Tr.1/107].

Mrs. Costello testified that she received a fifth and final letter, which was addressed to "SUSAN THE MAID COSTELLO" (Commonwealth's Exhibit 5). [Tr. 1/108,109]. That letter was postmarked July 23, 2011. [Tr.109]. She brought this letter to the police station unopened. [Tr.1/110-111]. At this point, she was "ready to move" and she was afraid and "scared out

of my mind living in this town and my house." [Tr. 1/111].

Even though she could not eat, sleep and felt like a "wreck", she never told the police how she felt. [Tr.1/116]. She testified that she was not interviewed by the police and she "didn't need to speak to the police" about this matter. [Tr.1/116].

Neither complainant identified the defendant as the author of the letters. [Tr.1/111,126,130,135]. All five letters were introduced into evidence without objection. [Tr.1/112].

Mr. Dennis Bigelow ("Dennis"), the defendant's son, testified on behalf of the Commonwealth. [Tr. 1/159-174]. Dennis is a Rehoboth resident, and he lives and works with his girlfriend, Heather Roselli ("Heather"), at an auto body repair shop located in East Providence, Rhode Island. [Tr.1/160]. The defendant and Heather do not get along, and Dennis described his relationships with his father as "very strained." [Tr.1/162,171]. Dennis and Heather are defendants in a civil suit in superior court wherein the defendant, as plaintiff, is suing Dennis and

Heather over the auto body repair shop business, which according to Heather only, Dennis owns. [Tr.1/167].

The defendant worked with Dennis and Heather at the auto body shop, but due to the strained relationship between the defendant and Heather, the defendant changed his work schedule to nights so that he would not have to be near Heather. [Tr.1/171]. At some point, the defendant was ousted from the shop after Dennis and Heather changed the locks on the door and sought a no trespassing order against him. 1/185.

On July 22, 2011 Dennis arrived at work and located what he described was a letter on the "copy table." [Tr.1/163]. Dennis identified Exhibit 6 as the letter he found. [Tr.1/163]. After he found the letter, he called the East Providence Police and the Rehoboth police. [Tr.1/164,165]. He then viewed a surveillance video tape, which was set up in the shop, and he saw the defendant "making copies". [Tr.1/165]. At trial, when asked where that surveillance tape was, he said "the court" has it. [Tr.1/171]. Detective Ramos testified that he viewed that surveillance tape, but it did not show the defendant making copies, as Dennis claimed. [Tr.2/16]. The date stamp on the

surveillance video was incorrect. [Tr.1/172]. The surveillance video was not introduced at trial. [Tr. 1/172].

Heather testified on behalf of the Commonwealth. [Tr.1/177-185]. The Commonwealth presented her with what she referred to as a "ledger" and she testified that she recognized the defendant's handwriting in that ledger, which she said the defendant used to write notes while at work at the auto body repair shop. [Tr.1/179,180]. The Commonwealth introduced the ledger into evidence without objection, and it was marked as Exhibit 7. [Tr.1/180-181;R.36]. Heather testified that when she was at a deposition in connection with the civil action involving the defendant, she stated that she, Dennis and an employee of the auto body shop found the letter (Exhibit 6) at the copy machine. [Tr.1/184].

Detective Brian Ramos, a Sergeant with the town of Rehoboth Police Department, testified on behalf of the Commonwealth. [Tr.2/6-16]. As the lead detective, he met with Mrs. Costello "several times" and interviewed her. [Tr.2/8-10]. During the course of the investigation, Detective Ramos instructed the

Costellos to deliver to the police department any letters they receive unopened. [Tr.2/10-11].

The Detective spoke with the defendant, who voluntarily came to the police department for an interview. [Tr.2/7]. During the interview, the defendant expressed concern that Mr. Costello was a convicted felon and was serving as a selectman. 2/7,15. The Detective testified that he could not recall if the defendant referred to himself as a "concerned citizen" or whether the Detective described the defendant as a "concerned citizen." [Tr.2/13,14].

Detective Ramos testified that the defendant denied writing any letters to the Costellos. [Tr. 2/8].

#### **SUMMARY OF THE ARGUMENTS**

1. The complainants, Mr. and Mrs. Costello, received five typewritten anonymous letters all of which expressed the author's dissatisfaction with Mr. Costello's performance as a Selectman of the town of Rehoboth. Since Mr. Costello was selectman and thus a public figure and none of the letters contained "fighting words" or "true threats", the defendant's purported speech was constitutionally protected.

2. There was no evidence that the defendant engaged in three separate incidents of conduct directed at each complainant, as required by G.L. c. 265, § 43A.

3. There was no evidence that Mr. Costello was seriously alarmed - a necessary element of the offense - and to the extent that Mrs. Costello was seriously alarmed, if she was, a reasonable person would not have suffered substantial emotional distress.

4. In his closing argument the prosecutor misstated the law when he instructed the jurors to evaluate their own individual feelings and reaction to the letters, as opposed to whether the complainants subjectively were seriously alarmed, and if so, whether their substantial emotional distress was reasonable. The prosecutor also misstated several material facts which cumulatively contributed to a guilty verdict.

5. In his opening statement, the prosecutor promised the jury that a handwriting analysis expert would testify that it was "highly probable" that the defendant was the author of all five letters mailed to the complainants. The prosecutor also stated in his opening that Detective Ramos would testify that the

defendant made admissions to him. No expert testified at trial and the Detective never testified that the defendant made any admissions. Trial counsel rendered ineffective assistance of counsel when he failed to move for a mistrial on the grounds that the promised evidence did not materialize at trial.

**ARGUMENTS:**

- I. **THE PURPORTED WORDS WRITTEN BY THE DEFENDANT ABOUT A PUBLIC OFFICIAL WERE PROTECTED SPEECH AS THEY DO NOT RISE TO THE LEVEL OF "FIGHTING WORDS" OR "TRUE THREATS" BUT RATHER WERE EXPRESSIONS OF DISSATISFACTION OF THE COMPLAINANT'S PERFORMANCE AS A TOWN SELECTMAN.**

Prior to trial, the defendant moved to dismiss both counts of criminal harassment on the grounds that the defendant's purported remarks were protected speech, *inter alia*. [R.10]. The denial of that motion was error.

In Commonwealth v. Welch, 444 Mass. 80 (2005), the Supreme Judicial Court considered the implication of free speech in the context of the criminal harassment statute, G.L. c. 265, §43A. The court concluded that the statute, which prohibits certain harassing speech, did not impermissibly criminalize speech protected under the First and Fourteenth

Amendments to the United States Constitution and art. 16 of the Massachusetts Declaration of Rights because the statute only punished "fighting words." In 2012, in dictum the Supreme Judicial Court expanded the reach of the statute to include "true threats" in O'Brien v. Borowski, 461 Mass. 415, 425, n. 7 (2012).

"Fighting words" are words "which by their very utterance inflict injury or tend to incite an immediate breach of the peace" and words "plainly likely to cause a breach of the peace by the addressee." Chaplinsky v. New Hampshire, supra at 572, 573. Commonwealth v. Welch, 444 Mass. at 94.

"Fighting words" have also been described as "'those personally abusive epithets which, when addressed to the ordinary citizen, are, as a matter of common knowledge, inherently likely to provoke violent reaction.'" Cohen v. California, 403 U.S. 15, 20 (1971). Id.

"'True threats' encompass those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals . . . ." O'Brien v. Borowski, 461 Mass. at 423.



"The term 'true threat' has been adopted to help distinguish between words that literally threaten but have an expressive purpose such as political hyperbole, and [] words that are intended to place the target of the threat in fear, whether the threat is veiled or explicit." Commonwealth v. Chou, 433 Mass. 229, 236, 741 N.E.2d 17 (2001) (Chou)." Id. at 423-424.

The evidence against the defendant consisted of five anonymous documents all of which were critical of Mr. Costello in his capacity as a Rehoboth Selectman - a point the Commonwealth concedes. [Tr.1/34]. For example, in Exhibit 1 the author encourages Mr. Costello to step down as a selectman because no one takes him seriously. [R.19]. The writer claims Mr. Costello is a disgrace and that he is "not even close to being capable in any way to be a selectman". [R. 19]. The writer states that "the tide is turning against you in town and people are talking about you negatively." [R.19].

In Exhibit 2, the writer states that an "emergency meeting" has been called to discuss Mr. Costello's "criminal mess". [R.22]. The writer

encourages Mr. Costello to "resign immediately" or alternatively suggests that Mr. Costello be "put on administrative leave [] pending [the] investigation." [R.22]. The writer states that "we all sign a no confidence vote" in Mr. Costello and that Mr. Costello should be "put on leave" for a month until an investigation is conducted or a recall occurs. [R. 22].

In Exhibit 3, the writer opines that Mr. Costello is a "disgusting cheat", a "scum bag", a felon, and a "thief", and in Exhibit 4, the writer urges Mrs. Costello to "convince that moran to resign and then kick his ass to the curb." [R.27,29].

Exhibit 5 is addressed to "Lorraine" - whoever she is - and the writer says she is "stupid" for supporting "such a bum". [R.33]. The writer suggests that Lorraine should post the newspaper article about the "26 neighbors that want [Mr. Costello] out" and that Mr. Costello should "pay back the money he stole from [the neighbors]." [R.33].

Thus, the record makes clear that none of the defendant's purported words are "fighting words" or "true threats". Specifically, none of them "by their

very utterance inflict injury or tend to incite an immediate breach of peace", nor are they "plainly likely to cause a breach of the peace by the addressee." . Commonwealth v. Welch, 444 Mass. at 94, quoting Chaplinsky v. New Hampshire, 315 U.S. 568, 572 (1942).

Further, none of the purported words were "likely to provoke violent reaction." Id. See also O'Brien v. Borowski, 461 Mass. at 425 (fighting words must be so insulting that they "provoke immediate violence.>"). To constitute "fight words," the language must be "'directed to the person of the hearer' in the sense that they are a face to face personal insult." Commonwealth v. A Juvenile, supra at 591, quoting Cantwell v. Connecticut, supra." Id. at 99. But here, all five letters were mailed to the Costellos; and therefore, it cannot be said that there was a face-to-face confrontation as required.

And finally, "fighting words" must be addressed to the "ordinary citizen". Id. at 93. Mr. Costello, as a Selectman of the town of Rehoboth, was no ordinary citizen, but rather a public figure. See Stone v. Essex County Newspapers, Inc., 367 Mass. 849,

863 (1975) ("the designation of public official applies at least to government employees who have, or publicly appear to have, substantial responsibility for control of public affairs. *Rosenblatt v. Baer*, 383 U.S. at 85 (1966). *New York Times Co. v. Sullivan*, 376 U.S. at 283 (1964)").

As to "true threats", the defendant's alleged remarks fall drastically short of expressing an intent to "commit an act of unlawful violence" as required. The alleged remarks were merely political hyperbole. See O'Brien v. Borowski, 461 Mass. at 423-424 ("true threats" has been adopted to help distinguish between words that literally threaten but have an expressive purpose such as political hyperbole and words that are intended to place the target of the threat in fear, whether the threat is veiled or explicit)

Complaints made to a government officials "are not the type of statements that could be punished pursuant to the criminal harassment" because they directly implicate constitutionally protected speech. Commonwealth v. Braica, 68 Mass. App. Ct. 244, 244 (2007). See also Duracraft Corp. v. Holmes Prod. Corp., 427 Mass. 156, 162 (1998); Kobrin v.

Gastfriend, 443 Mass. 327, 331-332 (2005); Cadle Co. v. Schlichtmann, 448 Mass. 242, 248-249 (2007).

To illustrate, in Commonwealth v. Braica, 68 Mass. App. Ct. 244 (2007), the defendant's conviction for criminal harassment was reversed and the court concluded that the defendant's complaints to government officials about the alleged victim's activities, some of which led to citations and a cease and desist order, did not and could not constitute criminal harassment. Id.

The court held that complaints to government officials were not the type of statements that could be punished pursuant to the criminal harassment statute as explicated by Welch. Id. at 247. The court explained that the Legislature intended to provide "'very broad protection for petitioning activities,' and not criminal punishment. Duracraft Corp. v. Holmes Prod. Corp., 427 Mass. 156, 162-163 (1996) (interpreting anti-SLAPP statute, G.L. c. 231, § 59H)." Id. at 248 n. 3.

Mixed in with criticism is the author's jabs at Mr. Costello's personality and how he is not suited for an elected position. The writer claims that Mr.

Costello is a felon, that he has a problem with drugs and alcohol and that he should resign. [R.19]. The writer opined Mr. Costello "look[s] like a thug with that prison haircut and grease." [R.19,22].

"[V]ulgar, profane, offensive or abusive speech is not, without more, subject to criminal sanction..."

Commonwealth v. A Juvenile, supra at 589."

Commonwealth v. Welch, 444 Mass. at 99.

Listening to dissatisfied constituents is part of the job of an elected official. Indeed, Mr. Costello testified that occasionally a letter to the editor would appear in the local paper expressing objections to some of his votes and decisions he made on behalf of the town. [Tr.1/145].

In the end, the Commonwealth prosecuted the defendant for what the Costellos concluded was hurtful speech. The First Amendment requires that debate on public issues should be "uninhibited, robust, and wide open, and such debate may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials." New York Times Co. v. Sullivan, 376 U.S. 254, 256 (1964). Thus, the

defendant's purported words were protected speech and the court erred in denying his motion to dismiss.

**II. THERE WAS NO EVIDENCE THAT THE DEFENDANT'S ALLEGED CONDUCT TARGETED EACH COMPLAINANT ON THREE SEPARATE OCCASIONS AS REQUIRED BY THE STATUTE; AND THEREFORE, THE DEFENDANT'S MOTION FOR REQUIRED FINDING OF NOT GUILTY WAS IMPROPERLY DENIED.**

A violation of G.L. c. 265, § 43A requires that the defendant (1) willfully and maliciously engage; (2) in a knowing pattern of conduct, speech or specific acts; (3) directed at a specific person; (4) which seriously alarms that person; and (5) would cause a reasonable person to suffer substantial emotional distress. Commonwealth v. Robinson, 444 Mass. 102, 108 (2005).

Here, the trial judge erred in denying the defendant's motion for a required finding of not guilty because there was no proof that the defendant targeted each complainant on three separate occasions as required by the statute (element two and three). Commonwealth v. Welch, 444 Mass. at 89. Arguments relating to the fourth and fifth element will be addressed seriatim.

When a defendant challenges the sufficiency of the evidence to support a conviction, the court considers "whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt" (emphasis in original). Commonwealth v. Latimore, 378 Mass. 671, 677 (1979), quoting Jackson v. Virginia, 443 U.S. 307, 318-319 (1979).

As to the second and third element, the Supreme Judicial Court has held that this ". . . requires the Commonwealth to establish, at the very least, that the defendant intended to target the victim with the harassing conduct on at least three occasions," Commonwealth v. Welch, 444 Mass. at 90. There is no dispute that the Commonwealth only introduced five alleged documents to prove two counts of criminal harassment. [Tr.1/6].

Exhibits 1 and 2 appear to be a type written note, which are neither dated nor signed. [R.19-26]. Both of them are about Mr. Costello exclusively and focus on Mr. Costello's poor performance as a selectman. [R.19-26]. There is no mention of Mrs.



Costello in these notes. [R.19-26]. The return address in Exhibit 1 is listed as "the Rehoboth Town Hall". [R.20]. There is no return address on Exhibit 2. [R.25].

Exhibit 3 and 4 are a typed written letter on a blank piece of paper addressed to "Mrs. Michael Costello" at her home address. [R.27,29]. Both letters are signed "Sincerely, A Concerned Citizen". [R.27,29]. There is no return address on either envelope. [R.28,32]. In Exhibit 3, the writer discussed how Mr. Costello "scammed people out of low income housing" and questions how Mrs. Costello can be married to a "felon" and a "thief. [R.27]. In Exhibit 4, the writer encourages Mrs. Costello to "convince that moran to resign and then kick his ass to the curb." [R.29]. The writer claims that Mr. Costello will "drag [her] down" and that "love is blind." [R.29].

Exhibit 5 is a typed written note, which begins with "Hey Lorraine put this on the blog - how stupid can you be". [R.33]. There was no evidence at trial who Lorraine is and it is impossible to tell from this record who she is. The writer criticizes Lorraine for

being "stupid" for supporting "such a bum". [R.33]. The writer asks Lorraine if she is "screwing him too". [R.33]. The writer suggests that Lorraine post the newspaper article relating to the "26 neighbors that want him out at once" and for Mr. Costello to "pay back the money he stole from them." [R.33]. The writer accuses Lorraine and "Bitchy Bonnie" of "shoot[ing] [their] mouths off". [R.33]. In the middle top portion of the note, there is a handwritten note that says, "HEY SUE Why don't you come to the meeting on Mon". [R.33]. Mrs. Costello is not otherwise mentioned in the note. [R.33].

In these circumstances, the Commonwealth's evidence falls drastically short of proving the second and third element of of the offense. By the Commonwealth's own admission, all of the letters have a common theme, which is that they are critical of Mr. Costello as a selectman. [Tr.2/36]. The Commonwealth further concedes that there are "only two letters specifically were directed at Mr. Costello". [Tr. 1/17]. One note appears to be for "Lorraine". The math does not add up. Thus, it cannot be said when viewing the evidence in the light most favorable to

the Commonwealth that there was sufficient evidence for the jury to find that there were three incidents of conduct and that each instance was directed at a particular complainant, as required.

**III. THE STATUTE REQUIRES THAT THE DEFENDANT'S CONDUCT MUST "SERIOUSLY ALARM" A PERSON. THERE IS NO EVIDENCE THAT ONE COMPLAINANT (MR. COSTELLO) WAS AFFECTED BY THE DEFENDANT'S ALLEGED CONDUCT AND TO THE EXTENT THAT THE SECOND COMPLAINANT (MRS. COSTELLO) WAS SERIOUSLY ALARMED, IF SHE WAS, IT WAS NOT OF SUCH A NATURE THAT WOULD CAUSE A REASONABLE PERSON TO "SUFFER SUBSTANTIAL EMOTIONAL DISTRESS" AS REQUIRED BY THE STATUTE.**

The defendant's motion for a required finding of not guilty was improperly denied as there was no evidence that Mr. Costello was seriously alarmed and to the extent that Mrs. Costello was seriously alarmed, if she was, a reasonable person would not have suffered substantial emotional distress.

"Alarm" is defined as a "serious negative emotional experience." Commonwealth v. Kessler, 442 Mass. 770, 774 (2004).

Mr. Costello testified that he read all five letters a "few days after" they were received, and when he was asked how he felt after reading those letters, he testified that he "felt like my character was really run through the mud and I didn't feel it

was fair". [Tr.1/141]. Mr. Costello recognized that as a selectman, he is a public figure and he "opens himself up to some criticism." [Tr.1/144].

One letter called him a "felon", but that was something that he heard before. [Tr.1/147]. Prior to the election, he had received a flier, which were similar in nature. [Tr.1/144]. Also, Mr. Costello was aware that occasionally a letter to the editor of the local paper would appear in the newspaper voicing objection to some of his votes. [Tr.1/145]. Thus, Mr. Costello was not "seriously alarmed". For him, it was "politics as usual."

Mrs. Costello claims she felt "threaten" because one of the letters contained an article in the local newspaper. [Tr.1/124]. But that article was written by "Herbert M. Adams" - whoever he is - and in that article Mr. Adams expresses his "concern" for Rehoboth's well being with Mr. Costello serving as a selectman of Rehoboth.<sup>3</sup> [R.30,31]. Mrs. Costello testified that she "most likely" had read that article written by Mr. Adams when it appear in the newspaper,

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<sup>3</sup> By agreement with the Commonwealth, this article was reproduced and enlarged so that it could be read as the original copy was of poor quality. [R.30,31]

which occurred prior to receiving the letters. [Tr. 1/124-125].

She also testified that she attended some town meetings, and she had read and learned about articles in the local papers criticizing her husband in his performance as a selectman and some of the "positions" he took. [Tr.1/113,114,129].

The Rehoboth newspaper comes out once a month and as of the date of trial, she continues to read it. [Tr.1/129]. Mrs. Costello conceded that part of her husband's job as a public figure and a selectman subjects him to some criticism. [Tr.1/120].

In these circumstances, it is difficult to see how Mrs. Costello could be seriously alarmed when she repeatedly had read and learned that her husband was not popular as a selectman.

But, if Mrs. Costello was seriously alarmed, a reasonable person in her position would not have suffered substantial emotional distress. If a complainant claims to have suffered - as Mrs. Costello claims - the inquiry then is whether that subjective claim was reasonable in relation to the defendant's alleged act. Commonwealth v. Braica, 68 Mass. App.

Ct. 244, 246. (2007). The term "substantial emotional distress" is defined a considerable in amount, or of real worth and importance. Id. Further, "[s]ubstantial emotional distress" requires a showing of an invasion of the victim's mental tranquility that is "considerable in amount, value, or worth," something "markedly greater than that commonly experienced as part of ordinary living," and something that would "cause a reasonable person to suffer substantial emotional distress." Commonwealth v. Robinson, 444 Mass. 102, 106 (2005).

The extent of Mrs. Costello's substantial emotion distress was loss of appetite, an inability to sleep, and she was afraid to live in her home and in the town. [Tr.1/111,124,125]. There is nothing to say that the defendant's alleged conduct interfered with Mrs. Costello's work or normal activities. Substantial emotional distress that is "merely trifling or passing is not enough to satisfy this element, but must be markedly greater than that commonly experienced as part of ordinary living. Id. at 106. Even if Mrs. Costello emotional distress was as she claimed, she never told the police.

It is just as likely that Mrs. Costello's distress, if any, was an unfortunate by-product of learning that her husband was a felon or that his hairdo is not particularly popular. [Tr.1/117-118]. Or, as argued below, it was actually Mr. Costello who put Mrs. Costello in a "tail spin" because after all, he was the one who gave her the letters. [Tr.1/27]. See Id. at 103 (the defendant's actions must have caused the victim to suffer substantial emotional distress).

In these circumstances, there was insufficient evidence to warrant a finding that the defendant's actions caused the complainants to be seriously alarmed and that they suffered substantial emotional distress.

**IV. IN HIS CLOSING ARGUMENT, THE PROSECUTOR MISSTATED THE LAW, NAMELY TWO ELEMENTS OF THE OFFENSE, AND MISSTATED MATERIAL FACTS. THE DEFENDANT WAS PREJUDICED THEREBY WHEN ALL OF THE ERRORS WENT TO THE HEART OF THE CASE, THE JURY INSTRUCTIONS DID NOT MITIGATE THE DAMAGE, AND THE ERRORS CUMULATIVELY CONTRIBUTED GREATLY TO A GUILTY CONVICTION**

In his closing argument, the prosecutor misinformed the jury regarding two elements of the offense. The prosecutor asked the jurors to read the

letters and to individually "evaluate your feelings" and "reaction" to the contents of the letters. [Tr. 2/35,41]. The prosecutor told the jurors that when making a determination of whether the letters "could've reasonably had an impact on the recipient's emotional feelings" the jurors should use their own individual "commonsense." [Tr.2/35].

As discussed *supra* in Argument III, when determining whether a complainant has been "seriously alarmed" by a defendant's conduct, the inquiry is whether a complainant was subjectively seriously alarmed and if so whether her substantial emotional distress was reasonable in relation to the defendant's alleged act. Thus, whether a juror would have been seriously alarmed and suffered substantial emotional distress is not the appropriate inquiry.

In his closing argument, the prosecutor stated that during the defendant's interrogation with Detective Ramos, the defendant said that he was a "concerned citizen", the significance of which is that two of the letters were signed, "A Concerned Citizen". [r.27,29]. But Detective Ramos testified that he could not remember whether he (Detective Ramos)



referred to the defendant as a concerned citizen or whether the defendant referred to himself as a concerned citizen. Further, the Commonwealth argued that the signatory, "[A] Concerned Citizen", shows up on "nearly everyone of those letters as the supposed author of the documents that were sent to Mr. and Mrs. Costello." [Tr.2/39]. This is incorrect because only Exhibits 3 and 4 are signed "A Concerned Citizen". [R.27,29].

The prosecutor also told the jury that Exhibit 6 was "identical" to Exhibit 5 and as the Commonwealth saw it, since Exhibit 6 was found in the defendant's hands (at least according to Dennis' testimony only), then the defendant must have been the author of all of the letters. But, Exhibit 6 is not identical to Exhibit 5 and Dennis, the only witness to testify to Exhibit 6, was never shown Exhibit 5 and never testified that they were identical.

In assessing a prosecutorial error in closing argument, the court will consider the following factors: "[1] Did the defendant seasonably object to the argument? [2] Was the prosecutor's error limited to 'collateral issues' or did it go to the heart of

the case? [3] What did judge tell the jury, generally or specifically, that may have mitigated the mistake, and [4] generally did the error possibly make a difference in the jury's conclusions?" Commonwealth v. Kozec, 399 Mass. 514, 518 (1987) (internal citations omitted).

The defendant did not object to any of the misstatements, and all of the misstatements went directly to the heart of the case. Commonwealth v. Coren, 437 Mass. 732, 731 (2002); Commonwealth v. Pavao, 34 Mass. App. Ct. 577, 582 (1993). The jury instructions did not cure the errors. The errors made a difference as they directly distorted material facts and confused the jurors by asking each juror to find the defendant guilty based on each jurors personal emotional reaction, and as a result, the defendant was prejudiced thereby.

Thus, "the cumulative effect" of the errors in the context of the entire trial, including the closing argument, the judge's instructions, and the evidence presented at trial requires reversal. Commonwealth v. Miles, 46 Mass. App. Ct. 216, 219-220 (1999). See also Commonwealth v. Kozec, 399 Mass. 514, 523 (1987).

In closing argument, a prosecutor may not "misstate the evidence or refer to facts not in evidence." Commonwealth v. Lewis, 465 Mass. 119, 129 (2013), quoting Commonwealth v. Kozec, 399 Mass. 514, 516 (1987). "[M]isstatements of the evidence have been treated as serious errors where the misstatements may have prejudiced the defendant." Commonwealth v. Santiago, 425 Mass. 491, 499-500 (1997). See also Commonwealth v. Misquina, 82 Mass. App. Ct. 204, 206 (2012). Here, the defendant was prejudiced by the cumulative effect of the prosecutor's errors.

V. DURING HIS OPENING STATEMENT THE PROSECUTOR PROMISED THAT A HANDWRITING ANALYSIS EXPERT WOULD TESTIFY THAT IT WAS "HIGHLY PROBABLE" THAT THE DEFENDANT WAS THE AUTHOR OF ALL LETTERS MAILED TO THE COMPLAINANTS AND THAT THE JURY WOULD HEAR EVIDENCE FROM THE LEAD DETECTIVE THAT THE DEFENDANT MADE ADMISSIONS. TRIAL COUSEL WAS INEFFECTIVE FOR FAILING TO MOVE FOR A MISTRIAL WHEN THE PROMISED AND DAMNING EVIDENCE DID NOT MATERIALIZE AT TRIAL.

In his opening statement, the prosecutor stated, "a handwriting expert is going to testify and tell you that the comparison between the handwriting on those letters and other documents which the defendant authored or wrote and that it is highly probable that it is the same handwriting." [Tr.1/91]. The

prosecutor also told the jury in his opening statement that the jury would "hear testimony from Sergeant Brian Ramos who interrogated the Defendant, questioned him and the Defendant made admissions and he will testify to what those admissions were." [Tr.1/91]. At trial, no expert testified and Detective Ramos never testified that the defendant made any admissions. [Tr.1/177;2/4]. In these circumstances, trial counsel should have moved for a mistrial and his failure to do such rendered his assistance of counsel ineffective.

In Commonwealth v. Bearse, 358 Mass. 481 (1970), in his opening remarks, the prosecutor claimed he would prove that the defendant had said that he was going to kill his son, but the prosecutor then failed to prove the statement. The statement should not have been made because he never made that statement. Id. at 486-487.

Regarding the handwriting analysis expert, Mr. Foley, he appeared on the Commonwealth's list of potential witnesses and he was present at trial. [Tr. 1/56;R.18]. The defendant moved to exclude his testimony on the grounds that he was not an expert,

but after a voir dire, the judge found Mr. Robert Foley qualified as a handwriting analysis expert. [Tr. 1/56-81]. Yet, the Commonwealth did not call him as a witness.

As to the prosecutor's statement regarding admissions the defendant made, during the prosecutor's direction examination of Detective Ramos, the following exchange took place:

MR. VIVEIROS: "And I assume [the defendant] also denied that he had written any of those letters that you were investigating?"

DETECTIVE: Yes, he did deny it.

MR. VIVEIROS: Thank you, Detective, I have no more questions.

The prosecutors made no attempt to impeach the Detective. Based on the form of the question, it is clear that the prosecutor knew that the defendant never made any admissions. Both of these statement, having been made, although never proven, irretrievably and fatally prejudicial the defendant as there was nothing in the record to support a basis for the prosecutor's statements. Just as in Bearse, the

court held that the statement should never have been included in the opening unless there was no doubt of its admissibility. Id. at 487. The presumption of good faith cannot be made in this case. See also Commonwealth v. Hartford, 346 Mass. 482, 486 (1963). The expert was available as a witness and the prosecutor knew that the defendant never made any admissions.

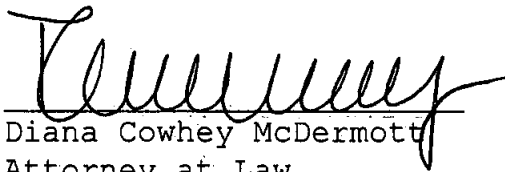
Thus, the conviction was the product of the prosecutor's improper and prejudicial statements. In these circumstances, trial counsel should have moved for a mistrial and his failure to do such rendered his assistance of counsel ineffective. During his closing, trial counsel stated that "the Commonwealth promised you this, you're going to hear from some fellow who's going to tell you what I think about who wrote these. Where are we left with on that." [Tr.2/27]. But, he failed to follow up on this idea. His inattentiveness prejudiced the defendant.

**CONCLUSION:**

For the foregoing reasons the defendant

respectfully requests that the Judgment be reversed.

Respectfully submitted  
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ADDENDUM



**G.L. c. 265, sec. 43A**

(a) Whoever willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress, shall be guilty of the crime of criminal harassment and shall be punished by imprisonment in a house of correction for not more than 2 1/2 years or by a fine of not more than \$1,000, or by both such fine and imprisonment. The conduct or acts described in this paragraph shall include, but not be limited to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

(b) Whoever, after having been convicted of the crime of criminal harassment, commits a second or subsequent such crime, or whoever commits the crime of criminal harassment having previously been convicted of a violation of section 43, shall be punished by imprisonment in a house of correction for not more than two and one-half years or by imprisonment in the state prison for not more than ten years.

**1st Amendment, U.S. Constitution**

**Amendment I**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

**14th Amendment, U.S. Constitution**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

2014-P-1127

---

COMMONWEALTH,  
Appellee

v.

HARVEY J. BIGELOW,  
Appellant

---

ON APPEAL FROM A JUDGMENT OF THE TAUNTON DISTRICT COURT

---

APPELLANT/HARVEY J. BIGELOW  
RECORD APPENDIX

---


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December 2014

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|--|--|--------------------------------------|-------------------------------------|---------------------------|----------------|---|---|---|--|
| <b>CRIMINAL DOCKET</b>   |  | <b>DOCKET NUMBER</b><br>1131CR003619 |                                     | <b>NO. OF COUNTS</b><br>2 |                | <b>Trial Court of Massachusetts<br/>District Court Department</b> |   |  |  |
| DEFENDANT NAME AND ADDRESS<br>Harvey J Bigelow<br>122 Cedar Street<br>Rehoboth, MA 02769 |  |                                      | DOB<br>12/21/1944                   |                           | GENDER<br>Male |   | COURT NAME & ADDRESS<br>Taunton District Court<br>40 Broadway Street<br>Taunton, MA 02780 |   |  |
|  |  |                                      | DATE COMPLAINT ISSUED<br>11/18/2011 |                           |                |   |   |   |  |
|  |  |                                      | PRECOMPLAINT ARREST DATE            |                           |                |   | INTERPRETER REQUIRED  |   |  |

|                                  |           |                                   |              |
|----------------------------------|-----------|-----------------------------------|--------------|
| <b>FIRST FIVE OFFENSE COUNTS</b> |           |                                   |              |
| COUNT                            | CODE      | OFFENSE DESCRIPTION               | OFFENSE DATE |
| 1                                | 265/43A/A | HARASSMENT, CRIMINAL c265 §43A(a) | 05/09/2011   |
| 2                                | 265/43A/A | HARASSMENT, CRIMINAL c265 §43A(a) | 05/09/2011   |

|                                     |  |                               |  |                                  |  |
|-------------------------------------|--|-------------------------------|--|----------------------------------|--|
| DEFENSE ATTORNEY<br><i>R Segale</i> |  | OFFENSE CITY/TOWN<br>Rehoboth |  | POLICE DEPARTMENT<br>Rehoboth PD |  |
|-------------------------------------|--|-------------------------------|--|----------------------------------|--|

|              |   |              |  |
|--------------|---|--------------|--|
| DATE & JUDGE | DOCKET ENTRY  | DATE & JUDGE | FEES IMPOSED   |
| DEC 14 2011  | <input type="checkbox"/> Attorney appointed (SJC R. 3:10)<br><input type="checkbox"/> Atty denied & Deft. Advised per 211 D §2A<br><input type="checkbox"/> Waiver of Counsel found after colloquy                            |              | Counsel Fee (211D § 2A(2)) <input type="checkbox"/> WAIVED               |
|              |   |              | Counsel Contribution (211D § 2) <input type="checkbox"/> WAIVED          |
| DEC 14 2011  | Terms of release set:<br><input checked="" type="checkbox"/> PR <input type="checkbox"/> Bail<br><input type="checkbox"/> See Docket for special condition<br><input type="checkbox"/> Held (276 §58A)                        |              | Default Warrant Fee (276 § 30(1)) <input type="checkbox"/> WAIVED        |
|              |   |              | Default Warrant Arrest Fee (276 § 30(2)) <input type="checkbox"/> WAIVED |
| DEC 14 2011  | Arraigned and advised:<br><input checked="" type="checkbox"/> Potential of bail revocation (276 §58)<br><input type="checkbox"/> Right to bail to review (276 §58)<br><input type="checkbox"/> Right to drug exam (111E § 10) | AUG 28 2013  | Probation Supervision Fee (276 § 87A) <input type="checkbox"/> WAIVED    |
|              |   |              | Bail Order Forfeited   |
| AUG 28 2013  | Advised of right to jury trial<br><input checked="" type="checkbox"/> Waiver of jury found after colloquy<br><input type="checkbox"/> Does not waive  |              |  |
|              |   |              |  |
|              | Advised of trial rights as pro se (Dist. Ct. Supp.R.4)  |              |  |
|              | Advised of right of appeal to Appeals Ct. (M.R. Crim P.R. 28)   |              |  |

| SCHEDULING HISTORY |                |             |  |       |                 |
|--------------------|----------------|-------------|--|-------|-----------------|
| NO.                | SCHEDULED DATE | EVENT       | RESULT   | JUDGE | TAPE START/STOP |
| 1                  | 12/14/2011     | Arraignment | <input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd |       |                 |
| 2                  |                |             | <input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd |       |                 |
| 3                  |                |             | <input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd |       |                 |
| 4                  |                |             | <input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd |       |                 |
| 5                  |                |             | <input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd |       |                 |
| 6                  |                |             | <input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd |       |                 |
| 7                  |                |             | <input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd |       |                 |
| 8                  |                |             | <input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd |       |                 |
| 9                  |                |             | <input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd |       |                 |
| 10                 |                |             | <input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd |       |                 |

|   |  |
|---|--|
| <b>APPROVED ABBREVIATIONS</b>   |  |
| ARR = Arraignment PTH = Pretrial hearing DCE = Discovery compliance & jury selection BTR = Bench trial JTR = Jury trial PCH = Probable cause hearing MOT = Motion hearing SRE = Status review<br>SRP = Status review of payments FAT = First appearance in jury session SEN = Sentencing CWF = Continuance-without-finding scheduled to terminate PRO = Probation scheduled to terminate<br>DFTA = Defendant failed to appear & was defaulted WAR = Warrant issued WARD = Default warrant issued WR = Warrant or default warrant recalled PVH = probation revocation hearing. |  |

|                     |   |                    |           |
|---------------------|---|--------------------|-----------|
| A TRUE COPY ATTEST: | CLERK-MAGISTRATE / ASST CLERK<br><b>X</b> | TOTAL NO. OF PAGES | ON (DATE) |
|---------------------|---|--------------------|-----------|

|  |  |   |   |   |  |
|--|--|---|---|---|--|
| <b>CRIMINAL DOCKET - OFFENSES</b>  |  | DEFENDANT NAME<br><b>Harvey J Bigelow</b>   |   | DOCKET NUMBER<br><b>1131CR003619</b>            |  |
| COUNT / OFFENSE<br><b>1 HARASSMENT, CRIMINAL c265 §43A(a)</b>  |  |   | DISPOSITION DATE AND JUDGE<br><b>8-14-13 Phillips</b> |   |  |
| DISPOSITION METHOD<br><input checked="" type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and 278 §29D warning<br><input type="checkbox"/> Bench Trial<br><input checked="" type="checkbox"/> Jury Trial<br><input type="checkbox"/> Dismissed upon:<br><input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim<br><input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute<br><input type="checkbox"/> Other:<br><input type="checkbox"/> Filed with Defendant's consent<br><input type="checkbox"/> Nolle Prosequi<br><input type="checkbox"/> Decriminalized (277 §70 C) |  | FINE/ASSESSMENT<br><br>HEAD INJURY ASMT<br><br>RESTITUTION  |   | SURFINE<br><br>VW ASSESSMENT<br><b>wanted</b>   |  |
|  |  | COSTS   |   | OUI §24D FEE<br><br>BATTERER'S FEE<br><br>OTHER |  |
|  |  | SENTENCE OR OTHER DISPOSITION<br><input type="checkbox"/> Sufficient facts found but continued without a finding until:<br><input checked="" type="checkbox"/> Defendant placed on probation until: <b>8-27-14</b><br><input type="checkbox"/> Risk/Need or OUI - <input type="checkbox"/> Administrative Supervision<br><input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until:<br><input type="checkbox"/> To be dismissed if court costs / restitution paid by: |   |   |  |
| FINDING<br><input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty<br><input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible<br><input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause   |  | FINAL DISPOSITION<br><input type="checkbox"/> Dismissed on recommendation of Probation Dept.<br><input type="checkbox"/> Probation terminated: defendant discharged<br><input type="checkbox"/> Sentence or disposition revoked (see cont'd page)   |   | JUDGE<br><br>DATE                               |  |
| COUNT / OFFENSE<br><b>2 HARASSMENT, CRIMINAL c265 §43A(a)</b>  |  |   | DISPOSITION DATE AND JUDGE<br><b>8-14-13 Phillips</b> |   |  |
| DISPOSITION METHOD<br><input checked="" type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and 278 §29D warning<br><input type="checkbox"/> Bench Trial<br><input checked="" type="checkbox"/> Jury Trial<br><input type="checkbox"/> Dismissed upon:<br><input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim<br><input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute<br><input type="checkbox"/> Other:<br><input type="checkbox"/> Filed with Defendant's consent<br><input type="checkbox"/> Nolle Prosequi<br><input type="checkbox"/> Decriminalized (277 §70 C) |  | FINE/ASSESSMENT<br><br>HEAD INJURY ASMT<br><br>RESTITUTION  |   | SURFINE<br><br>VW ASSESSMENT                    |  |
|  |  | COSTS   |   | OUI §24D FEE<br><br>BATTERER'S FEE<br><br>OTHER |  |
|  |  | SENTENCE OR OTHER DISPOSITION<br><input type="checkbox"/> Sufficient facts found but continued without a finding until:<br><input checked="" type="checkbox"/> Defendant placed on probation until: <b>8-27-14</b><br><input type="checkbox"/> Risk/Need or OUI <input type="checkbox"/> Administrative Supervision<br><input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until:<br><input type="checkbox"/> To be dismissed if court costs / restitution paid by:   |   |   |  |
| FINDING<br><input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty<br><input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible<br><input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause   |  | FINAL DISPOSITION<br><input type="checkbox"/> Dismissed on recommendation of Probation Dept.<br><input type="checkbox"/> Probation terminated: defendant discharged<br><input type="checkbox"/> Sentence or disposition revoked (see cont'd page)   |   | JUDGE<br><br>DATE                               |  |
| COUNT / OFFENSE  |  |   | DISPOSITION DATE AND JUDGE                            |   |  |
| DISPOSITION METHOD<br><input type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and 278 §29D warning<br><input type="checkbox"/> Bench Trial<br><input type="checkbox"/> Jury Trial<br><input type="checkbox"/> Dismissed upon:<br><input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim<br><input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute<br><input type="checkbox"/> Other:<br><input type="checkbox"/> Filed with Defendant's consent<br><input type="checkbox"/> Nolle Prosequi<br><input type="checkbox"/> Decriminalized (277 §70 C)                       |  | FINE/ASSESSMENT<br><br>HEAD INJURY ASMT<br><br>RESTITUTION  |   | SURFINE<br><br>VW ASSESSMENT                    |  |
|  |  | COSTS   |   | OUI §24D FEE<br><br>BATTERER'S FEE<br><br>OTHER |  |
|  |  | SENTENCE OR OTHER DISPOSITION<br><input type="checkbox"/> Sufficient facts found but continued without a finding until:<br><input type="checkbox"/> Defendant placed on probation until:<br><input type="checkbox"/> Risk/Need or OUI <input type="checkbox"/> Administrative Supervision<br><input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until:<br><input type="checkbox"/> To be dismissed if court costs / restitution paid by:                             |   |   |  |
| FINDING<br><input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty<br><input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible<br><input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause  |  | FINAL DISPOSITION<br><input type="checkbox"/> Dismissed on recommendation of Probation Dept.<br><input type="checkbox"/> Probation terminated: defendant discharged<br><input type="checkbox"/> Sentence or disposition revoked (see cont'd page)   |   | JUDGE<br><br>DATE                               |  |

*Judge Phillips*

**Date/Time Printed: 11-18-2011 14:31:39**

| NO.         | DATE     | DOCKET ENTRIES  |
|-------------|----------|---|
| 6           | 8-12     | Phillips<br>not attorney allowed<br>agreement<br>7-24-12 Compliance (3)<br>any judge to hear<br>J. Phillips returned for<br>case.                                 |
|             | 7/24/12  | C 10-24-12 JT (4) Bradley 3 day<br>trial  |
| OCT 17 2012 |          | Comm on weather Motion to Continue<br>Allowed 12/11/12 JT (4) J. Karselt  |
|             | 11-30-12 | Atty. J. Segadelli filed<br>Motion to Continue<br>12-6-12 not (4)   |
| DEC 06 2012 |          | ADA Viveiros. Motion to Continue Allowed. 2-14-13 JT (4) (Camp)   |
|             | 1-7-13   | Summons issued Atty<br>Atty. J. Fagan filed<br>Motion to Continue<br>1-10-13 ARK (1)  |
|             | 1-10-13  | APR 3-7-13 JT (4) Tulera  |
| MAR 04 2013 |          | 5-15-13 JT (4) Paul...  |
| MAY 15 2013 |          | 6/28/13 (3) Motion to Dismiss Gr 6 & 4 10:06-<br>11 8/13/13 - 8/14/13 2 Day Trial (3) 1007<br>we will need Gr 6 & 3 J. Bradley<br>4 Notified Clerk of 2 Day Trial |
|             | 6-28-13  | 8-13-13 JT (4) White  |
|             | 8-13-13  | Complaint dates amended to Gr 4 1038<br>reflect dates between 5/9/11-7/30/11 w/o objection<br>Viveiros / Segadelli / Phillips                                     |

**CRIMINAL DOCKET  
DOCKET ENTRIES**

DEFENDANT NAME  
Harvey J Bigelow  
CARI aka Harvey Bigelow

DOCKET NUMBER  
1131CR003619

| DATE                   | DOCKET ENTRIES   |
|------------------------|--|
| 8-13-13                | impaneling jury C4 1043-1121                           |
| 10 <sup>35</sup> -1121 | witnesses sworn & requested                            |
| 1130-119               | Mt to Strike expert - after hearing - denied 1136-1211 |
| 226-314                | pre charge 1213-1224                                   |
| 329-349                | PI opening 1223-1228                                   |
|                        | D opening 1227-1233                                    |
|                        | Wit #1 Susan Castello 1233-116                         |
|                        | PI ex 1 letter w/envelope # 11-157-PR(B)               |
|                        | PI ex 2 letter w/envelope # 11-174-PR(B)               |
|                        | 3 letter w/envelope # 11-198-PR                        |
|                        | 4 letter w/envelope # 11-199-PR(B)                     |
|                        | 5 letter w/envelope # 11-330-OF/11-240-PR              |
|                        | break for lunch 119-225                                |
|                        | Wit #2 Michael Castello 227-257                        |
|                        | Wit #3 Dennis Bigelow 256-312                          |
|                        | PI ex 6 letter from copy machine 11243-PR              |
|                        | Wit #4 Heather Rossilli 331-341                        |
|                        | PI ex 7 Black Book 11-521-OF/11-248-PR                 |
| 8-14-13                | trial continued C4 1053                                |
| 1053-1215              | Wit #5 Brian Ramos 1101-1115                           |
| 206-212                | Comm rests   |
| 238-300                | Mt for required findings - denied                      |
|                        | D rests  |
|                        | D closing 1123-  |
|                        | PI closing - 1134                                      |
|                        | Charge 1155-1215                                       |
|                        | question 1246-1253                                     |
|                        | Verdict 206-212  |

**APPROVED ABBREVIATIONS**

ARR = Arraignment PT = Pretrial hearing CE = Discovery compliance & jury selection T = Bench trial JT = Jury trial PC = Probable cause hearing M = Motion hearing SR = Status review  
SRP = Status review of payments FA = First appearance in jury session S = Sentencing CW = Continuance-without-finding scheduled to terminate P = Probation scheduled to terminate  
DFTA = Defendant failed to appear & was defaulted WAR = Warrant Issued WARD = Default warrant issued WR = Warrant or default warrant recalled PR = probation revocation hearing

Date/Time Printed: 05-08-2013 14:39:18

Sentencing

Stayed

8/21/13 2pm

held w/o bail Release



**CRIMINAL DOCKET  
DOCKET ENTRIES**

DEFENDANT NAME

Harvey J Bigelow  
CARI aka Harvey Bigelow

DOCKET NUMBER

1131CR003619

| DATE                   | DOCKET ENTRIES   |
|------------------------|--|
| 8-13-13                | impaneling jury Ct4 1043-1121                          |
| 10 <sup>38</sup> -1121 | witnesses sworn & sequestered                          |
| 1130-119               | mt to strike expert - after hearing - denied 1136-1211 |
| 206-314                | pre-charge 1213-1224                                   |
| 329-349                | PI opening 1223-1228                                   |
|                        | Δ opening 1227-1233                                    |
|                        | Wit #1 Susan Castello 1233-116                         |
|                        | PI ex 1 letter w/ envelope # 11-157-PR(B)              |
|                        | PI ex 2 letter w/ envelope # 11-174-PR(B)              |
|                        | 3 letter w/ envelope # 11-198-PR                       |
|                        | 4 letter w/ envelope # 11-199-PR(B)                    |
|                        | 5 letter w/ envelope # 11-330-OF/11-240-PR             |
|                        | break for lunch 119-225                                |
|                        | Wit #2 Michael Castello 227-257                        |
|                        | Wit #3 Dennis Bigelow 256-312                          |
|                        | PI ex 6 letter from copy machine 11243-PR              |
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| 8-14-13                | trial continued Ct4 1053                               |
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| 206-212                | Comm rests   |
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|                        | Δ rests  |
|                        | Δ Closing 1123-  |
|                        | PI Closing - 1134                                      |
|                        | Charge 1155-1215                                       |
|                        | question 1246-1253                                     |
|                        | Verdict 206-212  |

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DFTA = Defendant failed to appear & was defaulted WAR = Warrant issued WARD = Default warrant issued WR = Warrant or default warrant recalled PR = probation revocation hearing

Date/Time Printed: 05-08-2013 14:59:18

sentencing 238-300  
stayed 8/21/13 2pm I held w/o bail Riller

R.5A

Version 2.0 - 3/1/06



COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

Taunton District Court  
Docket No.: 1131CR3619

Commonwealth

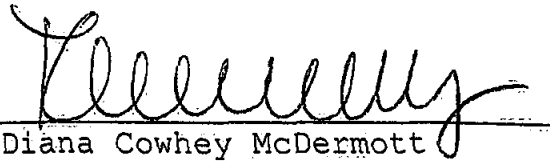
v.

Harvey J. Bigelow

NOTICE OF APPEAL

The defendant, Harvey J. Bigelow, through and by his attorney, hereby gives notice, pursuant to Mass. R. App. P. 3 and 4 of his intent to appeal all opinions, rulings, directions and judgments of the Court in the above-entitled matter.

By His Attorney,

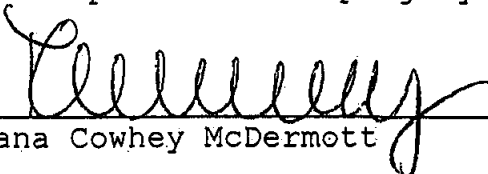
  
Diana Cowhey McDermott  
Attorney at Law  
PO Box 574  
Falmouth, MA 02541  
Tele: 508.548.5356  
Fax: 508.388.7566  
dianaesq@comcast.net  
BBO #: 656057

Date: 9/19/2013

CERTIFICATE OF SERVICE

I, Diana Cowhey McDermott, Esq., do hereby certify that today I served the notice of appeal, by first class mail, postage prepaid, upon the following: David Marks, A.D.A., Bristol County District Attorney's Office, PO Box 973, 888 Main Street, New Bedford, MA 02741.

Signed under the pains and penalties of perjury:

  
Diana Cowhey McDermott

Dated:

9/19/2013

|  |                                     |                               |                    |  |
|--|-------------------------------------|-------------------------------|--------------------|--|
| <b>CRIMINAL COMPLAINT</b><br>ORIGINAL  |                                     | DOCKET NUMBER<br>1131CR003619 | NO. OF COUNTS<br>2 | <b>Trial Court of Massachusetts<br/>District Court Department</b>  |
| DEFENDANT NAME & ADDRESS<br>Harvey J Bigelow<br>122 Cedar Street<br>Rehoboth, MA 02769   |                                     |                               |                    | COURT NAME & ADDRESS<br>Taunton District Court<br>40 Broadway Street<br>Taunton, MA 02780<br>(508)977-6142 |
| DEFENDANT DOB<br>12/21/1944  | COMPLAINT ISSUED<br>11/18/2011      | DATE OF OFFENSE<br>05/09/2011 | ARREST DATE        |  |
| OFFENSE CITY / TOWN<br>Rehoboth  | OFFENSE ADDRESS                     |                               |                    | NEXT EVENT DATE & TIME<br>12/14/2011 8:30 AM   |
| POLICE DEPARTMENT<br>Rehoboth PD   | POLICE INCIDENT NUMBER<br>11-338-AR |                               |                    | NEXT SCHEDULED EVENT<br>Arraignment  |
| OBTN   |                                     |                               |                    | ROOM / SESSION<br>Arraignment Session  |
| The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated below the defendant committed the offense(s) listed below and on any attached pages. |                                     |                               |                    |  |

| COUNT | CODE      | DESCRIPTION                       |
|-------|-----------|-----------------------------------|
| 1     | 265/43A/A | HARASSMENT, CRIMINAL c265 §43A(a) |

did commit the crime of criminal harassment, in that over a period of time between On 05/09/2011 and ~~05/09/2011~~ <sup>7/30/11</sup> he or she did willfully and maliciously engage in a knowing pattern of conduct or series of acts directed at a specific person, to wit: Michael Costello, which did seriously alarm such person and would cause a reasonable person to suffer substantial emotional distress, in violation of G.L. c.265, §43A(a).

|   |           |                                   |
|---|-----------|-----------------------------------|
| 2 | 265/43A/A | HARASSMENT, CRIMINAL c265 §43A(a) |
|---|-----------|-----------------------------------|

did commit the crime of criminal harassment, in that over a period of time between On 05/09/2011 and ~~05/09/2011~~ <sup>7/30/11</sup> he or she did willfully and maliciously engage in a knowing pattern of conduct or series of acts directed at a specific person, to wit: Susan A. Costello, which did seriously alarm such person and would cause a reasonable person to suffer substantial emotional distress, in violation of G.L. c.265, §43A(a).

|  |   |                  |
|--|---|------------------|
| SIGNATURE OF COMPLAINANT<br>X <i>[Signature]</i> | SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK/DEP. ASST. CLERK<br>X <i>[Signature]</i> | DATE<br>11-30-11 |
| NAME OF COMPLAINANT                              | A TRUE COPY ATTEST<br>X   | DATE             |

Notice to Defendant: 42 U.S.C. § 3796gg-4(a) requires this notice: If you are convicted of a misdemeanor crime of domestic violence you may be prohibited permanently from purchasing and/or possessing a firearm and/or ammunition pursuant to 18 U.S.C. § 922 (g) (9) and other applicable related Federal, State, or local laws.

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

TAUNTON DISTRICT COURT  
DOCKET NO.: 1131CR3619

COMMONWEALTH

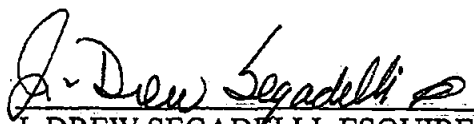
v.

HARVEY J. BIGELOW

**DEFENDANT'S MOTION TO DISMISS**

Now comes the Defendant, Harvey J. Bigelow, and moves that this Honorable Court dismiss the complaint charging him with two counts of Criminal Harassment (c. 265, sec. 43A (a)). As grounds therefore, the evidence presented in the complaint was not sufficient to establish any criminal activity let alone probable cause that he so committed the offenses. *Commonwealth v. DiBennadetto*, 436 Mass. 310, 313 (2002), *Commonwealth v. McCarthy*, 385 Mass. 160, 163 (1982). *DiBennadetto* affirms that after the issuance of a complaint, a motion to dismiss will lie for a failure to present sufficient evidence to the clerk-magistrate or judge. *Id.*

Respectfully Submitted,  
HARVEY J. BIGELOW  
By his Attorney,

  
J. DREW SEGADELLI, ESQUIRE  
FAGAN, GOLDRICK & SEGADELLI, P.C.  
536 MAIN STREET  
FALMOUTH, MA 02540  
(508) 540-6900  
BBO #: 548168

Dated: March 21, 2012

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

TAUNTON DISTRICT COURT  
DOCKET NO.: 1131CR3619

COMMONWEALTH

v.

HARVEY J. BIGELOW

**DEFENDANT'S MEMORANDUM IN  
SUPPORT OF MOTION TO DISMISS**

Courts generally do not inquire into the competency or sufficiency of the evidence in support of a criminal complaint. However, despite this general rule, a court may properly review the evidence presented to determine whether there was sufficient evidence to find probable cause for arrest or to determine whether the acts which the defendant is alleged to have done constitute a crime. *See e.g., Commonwealth v. McCarthy*, 385 Mass. 160 (1982); *Commonwealth v. O'Dell*, 392 Mass. 445 (1984). Though in District Court the charging document is the complaint rather than the grand jury indictment, a determination of probable cause should be similar. *See Commonwealth v. Valchuis*, 40 Mass.App.Ct. 556, 560 (1996) ("a complaint cannot issue until there has been a determination of probable cause to believe that a crime was committed and that it was committed by the defendant"), citing Smith, *Criminal Practice and Procedure* §§ 629-632 (2d ed. 1983).

"A defendant against whom a complaint is issued does not lack the opportunity for review of that decision. 'He may move to dismiss the complaint.'" *Commonwealth v. DiBennadetto*, 436 Mass. 310, 313 (2002), citing *Bradford v. Knights*, 427 Mass. 748, 753 (1998). Dismissal of an indictment is called for where the clerk magistrate fails to hear any evidence of criminal activity by the defendant. In order for an indictment to survive such a

challenge, the clerk magistrate must be presented with information that, at the very least, is sufficient to establish the identity of the accused and probable cause to arrest him. *Commonwealth v. McCarthy*, 385 Mass. 160, 163 (1982). Likewise, dismissal of a complaint should be warranted where the Court determines that probable cause did not exist to issue a complaint. *Commonwealth v. DiBennadetto*, 436 Mass. 310, 313 (2002). Probable cause is that amount of information that would warrant a prudent person in believing that the defendant committed the crime. *Commonwealth v. Santaliz*, 413 Mass. 238, 241 (1992).

To begin with, the one count of Criminal Harassment in which the named victim is Michael Costello should be automatically dismissed because the clerk magistrate did not hear any evidence of criminal activity by Mr. Bigelow in regards to Mr. Costello. This is true because the Commonwealth failed to show any evidence of a "knowing pattern of conduct or series of acts over a period of time directed at a specific person" which is an essential element of the crime of Criminal Harassment. See M.G.L. c. 265 §43A (a). In *Commonwealth v. Welch*, 444 Mass. 80, 89 (2005), the Court held that the "phrase 'pattern of conduct or series of acts' requires the Commonwealth to prove three or more incidents of harassment. The Court reasoned that the definition for "series" is "a group of usually three or more things or events" and that the Criminal Harassment statute is closely related to the Criminal Stalking statute which requires more than two incidents of harassment or stalking. *Welch* at 89. Here, the Commonwealth can show only two letters that were directed at Michael Costello. In fact only one letter actually included him as one of the addressees on the envelope. The Commonwealth attempted to evade this lack of evidence by grouping Mr. and Mrs. Costello together and stating that they received five letters in total. However, it is clear to anyone who examines the content of the letters that only two were directed at Mr. Costello. Therefore, because the Commonwealth was only able to show two



incidents of "harassment" in which Mr. Costello was the victim, the clerk magistrate failed to hear any evidence of criminal activity in regards to him.


As for the one count of Criminal Harassment in which the named victim is Susan Costello, that charge should also be dismissed due to the lack of any evidence of criminal activity. M.G.L. c. 265 §43A requires that the person at whom the conduct is directed suffer substantial emotional distress. Here, the only evidence of any sort of distress is one sentence in Detective Brian Ramos's report in which Mrs. Costello stated the letters she had received had caused her some "emotional distress." Merely stating that emotional distress has occurred is insufficient. Instead there must be a showing that the distress was "considerable, of importance, solid and real...something markedly greater than the level of uneasiness, nervousness, unhappiness or the like which is commonly experienced in day to day living." *Criminal Harassment Jury Instruction*, 6.640 (2011). The idea is to avoid "litigation in situations where only bad manners and mere hurt feelings are involved." *Agis v. Howard Johnson Company*, 371 Mass. 140, 145 (1976) quoting *Womack v. Eldridge*, 215 Va. 338, 242 (1974). As noted above, no evidence was presented that could even arguably support a claim that the letters caused Mrs. Costello to suffer substantial emotional distress. Thus because a significant element of the crime was completely absent, the clerk magistrate failed to hear any evidence of criminal activity in regards to Mrs. Costello.

Furthermore, it should be noted that because Mrs. Costello is the spouse of a member of the Rehoboth Board of Selectmen, she is a public figure. Considering that the letters were used as a means to criticize the actions of Mr. and Mrs. Costello in their capacity as public figures, we must also look at this in the context of free speech. Following the logic of defamation law, public figures, such as Mr. and Mrs. Costello, have a higher threshold to overcome than private

citizens do. The Costellos have placed themselves into the public eye and therefore have opened themselves up to criticism such as that contained in the letters. Consequently, the malice requirement of M.G.L. c. 265 §43A becomes a pivotal element. According to *New York Times Co. v. Sullivan*, 376 US 254 (1964), a public figure must show that the person acted with actual malice meaning with knowledge that the statements were false or with reckless disregard as to whether they were false or not. Once again, no evidence was presented to show that necessary actual malice and thus no evidence of a crime was placed before the clerk magistrate.

There was a complete lack of evidence to support either count of Criminal Harassment. At the very most the Commonwealth was only able to produce evidence of the receipt of annoying letters by both Mr. and Mrs. Costello and speculation that the person responsible for those letters was Mr. Bigelow. That alone does not equate to probable cause, or even reasonable suspicion, to charge the Defendant with the crimes listed. Thus, for the reasons stated above, the Defendant, Harvey J. Bigelow, respectfully requests that all counts listed in the complaint against him be dismissed.

Respectfully Submitted,  
HARVEY J. BIGELOW  
By his Attorney,

  
J. DREW SEGADELLI, ESQUIRE  
FAGAN, GOLDRICK & SEGADELLI, P.C.  
536 MAIN STREET  
FALMOUTH, MA 02540  
(508) 540-6900  
BBO #: 548168

Dated: March 21, 2012

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

TAUNTON DISTRICT COURT  
DOCKET NO. 1131CR3619

COMMONWEALTH

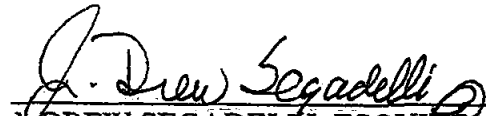
vs.

HARVEY J. BIGELOW

CERTIFICATE OF SERVICE

I, J. Drew Segadelli, Attorney for the Defendant, hereby certify that I have, this date, March 21, 2012, served the within MOTION TO DISMISS and MEMORANDUM IN SUPPORT OF MOTION TO DISMISS upon the Commonwealth, by delivering, via first class mail, postage pre-paid, a copy of the same to the District Attorney's Office, 5 Post Office Square, Taunton, MA 02780.

Respectfully submitted,

  
J. DREW SEGADELLI, ESQUIRE  
FAGAN, GOLDRICK & SEGADELLI, P.C.  
536 MAIN STREET  
FALMOUTH, MA 02540  
(508) 540-6900  
BBO #: 548168

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

TAUNTON DISTRICT COURT  
DOCKET NO.: 1131CR3619

COMMONWEALTH

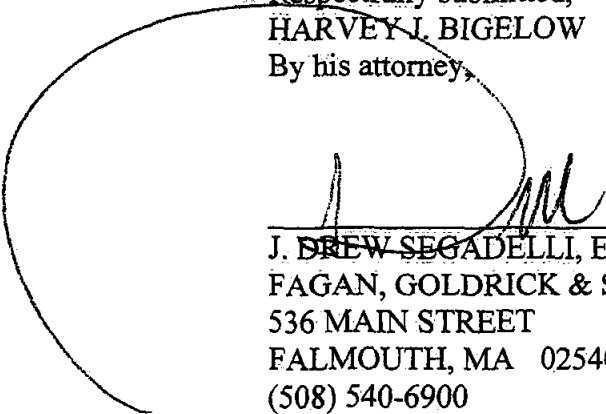
VS.

HARVEY J. BIGELOW

**MOTION TO EXCLUDE ROBERT FOLEY**  
**AS EXPERT WITNESS FOR COMMONWEALTH**

NOW COMES the Defendant through Counsel and respectfully moves this Honorable Court to exclude Robert Foley as an expert witness for the Commonwealth. As reason therefore, Counsel states that Mr. Foley is not a qualified Question Document Examiner.

Respectfully submitted,  
HARVEY J. BIGELOW  
By his attorney,



J. DREW SEGADELLI, ESQUIRE  
FAGAN, GOLDRICK & SEGADELLI, P.C.  
536 MAIN STREET  
FALMOUTH, MA 02540  
(508) 540-6900  
BBO# 548168

Dated: August 12, 2013

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

TAUNTON DISTRICT COURT  
DOCKET NO. 1131CR3619

COMMONWEALTH

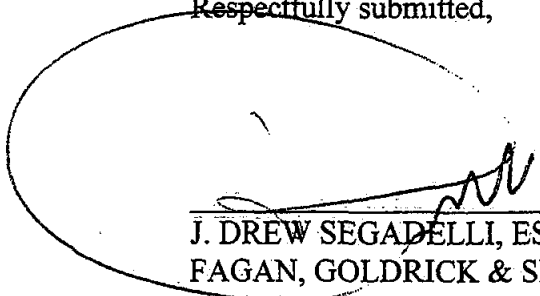
vs.

HARVEY J. BIGELOW

**CERTIFICATE OF SERVICE**

I, J. Drew Segadelli, Attorney for the Defendant, hereby certify that I have, this date, August 12, 2013, served the within MOTION TO EXCLUDE ROBERT FOLEY AS EXPERT WITNESS FOR THE COMMONWEALTH upon the Commonwealth, by delivering, in hand a copy of the same to the District Attorney's Office, 40 Broadway Street Taunton, MA 02780.

Respectfully submitted,



J. DREW SEGADELLI, ESQUIRE  
FAGAN, GOLDRICK & SEGADELLI, P.C.  
536 MAIN STREET  
FALMOUTH, MA 02540  
(508) 540-6900  
BBO #: 548168

COMMONWEALTH OF MASSACHUSETTS  
TRIAL COURT OF THE COMMONWEALTH

BRISTOL, ss.

TAUNTON DISTRICT CT.  
Docket No. 11-03619

COMMONWEALTH OF MASSACHUSETTS

vs.

HARVEY BIGELOW  
Defendant

---

COMMONWEALTH'S LIST OF POTENTIAL WITNESSES

---

NOW COMES the Commonwealth and submits the following list of potential witnesses:

- ✓ 1. MICHAEL COSTELLO - REHOBOTH
- ✓ 2. SUSAN COSTELLO - REHOBOTH
- ✓ 3. HEATHER ROSILLI - REHOBOTH
- ✓ 4. JENNIS BIGELOW - REHOBOTH
- ✓ 5. SGT. BRIAN RAMOS - REHOBOTH POLICE
6. ROBERT FOLEY - PLYMOUTH SHERIFFS
7. Patricia McMillan (Rehoboth)
8. \_\_\_\_\_

Respectfully Submitted,  
For the Commonwealth

C. Samuel Sutter,  
DISTRICT ATTORNEY  
FOR THE BRISTOL DISTRICT,

By: 

Assistant District Attorney  
40 Broadway, Suite 200  
Taunton, MA 02780

11-157-PR(B)  
11-330-OF

MICHAEL COSTELLO - THE BIGGEST FUCKING LOSER I HAVE EVER MET. YOU SHOULD BE UTTERLY ASHAMED OF YOURSELF FOR EVEN SUGGESTING THAT ANYONE TAKE YOU SERIOUSLY AS "CHAIRMAN OF THE BOARD OF SELECTMAN". IT WON'T BE LONG BEFORE YOU CRASH AND BURN BIG TIME. DO YOU REALLY THINK THAT YOU CAN FOOL ALL OF THE PEOPLE ALL OF THE TIME? I WILL TELL YOU WHY BECAUSE YOU ARE TOO FUCKING DUMB TO SEE IT.

YOU HAVE SPENT TIME IN PRISON FOR VARIOUS FELONY CONVICTIONS. HORNER MILLWORK?  
YOU FUCKED OVER A NICE OLD MAN TO GET YOUR 40B HOUSING.

YOU TRIED TO KILL YOUR LAST WIFE.

YOUR NEW GIRLFRIEND IS THE BIGGEST FUCKING PIG THAT EVER SET FOOT INTO CHARONNAYS. SHE LOOKS LIKE A CRACKHEAD THAT JUST ESCAPED FROM BUTLER HOSPITAL.

YOU ARE THE LAZIEST MOTHER FUCKER IN REHOBOTH. WHAT WILL YOU DO FOR MONEY WHEN FERREIRA THROWS YOU AWAY? WHY DON'T YOU GET A REAL JOB?

YOUR OWN MOTHER THREW YOU UNDER THE BUS!!!! YO U DISGRACED HER .

YOU HAVE A PROBLEM WITH DRUGS AND ALCOHOL.

JUST WATCH YOURSELF ON THE REPAC TAPES - YOU ARE A DISGRACE AND A JOKE- CAN'T SPEAK THE ENGLISH LANGUAGE EVEN CLOSE . YOU BUTCHER PRONUNCIATION, CAN'T FORM A SENTENCE, OR ARTICULATE A THOUGHT WITHOUT GETTING TEATO TO HELP YOU.

YOU ENEN LOOK LIKE A THUG WITH THAT PRISON HAIRCUT AND GREASE. ASSHOLE- YOU NEED TO BE ABOUT 20 YEARS YOUNGER TO EVEN THINK ABOUT THAT HAIR STYLE.

YOUR GIRLFRIEND NEEDS TO GO BACK TO WEIGHT WATCHERS AND GET HER HAIR FIXED AND HAVE HER RACCOON EYES WASHED.

YOU ARE NOT EVEN CLOSE TO BEING CAPABLE IN ANY WAY TO BE A SELECTMAN, NEVER MIND A FLOOR SWEEPER. TOTALLY NOT CAPABLE TO DO THE JOB.

THE CHIEF MADE A COMPLETE FOOL OF YOU THE OTHER NIGHT IN CASE YOU DIDN'T GET IT.

THE TIDE IS TURNING AGAINST YOU IN TOWN AND PEOPLE ARE TALKING ABOUT YOU-NEGATIVELY.

I WAS IN VINO'S FRIDAY NIGHT AND YOU SHOULD HAVE HEARD YOUR SO CALLED FRIENDS TALKING ABOUT YOU. NOONE WANTS TO HITCH THEIR CART TO A LOSER.

CAN'T YOU SEE THAT YOU ARE WAY, WAY IN OVER YOUR HEAD.

THE TROMBETTA DECISION REALLY BURIED YOU. ANOTHER LOSER LIKE YOU IN THE OPINION OF MOST. BETTER GET ENOS BACK IN THERE QUICK, BEFORE ITS TOO LATE.

I HEAR THAT A GROUP OF PEOPLE WILL BE AT ALL FUTURE TOWN MEETING TO STARE YOU DOWN, TALK OU OF TURN, CRITICISE - JUST LIKE YOU USE TO DO. LOOK FOR THE BIG SHIT EATIN GRINS .

FACE IT MIKE-- YOU ARE "ALL DONE " YOU FUCKING IDIOT.

THIS IS HOW IT WILL GO DOWN REAL SOON, - YOU WILL BE ARRESTED AT TOWN MEETING , RELIEVED OF ALL YOUR TOWN POSITIONS , AND ULTIMITELY BE SENT TO PRISON AS A 2 TIME LOSER CONVICTED FELON. I'M GUESSING MAYBE 10 YEARS THIS TIME IF NOTHING ELSE COMES OUT. SOUND GOOD YOU FUCKING ASSHOLE.

CAN'T WAIT TO SEE HOW YOU HANDLE MONDAY NIGHT . WE WILL ALL BE STARING AT YOU.!!!!!!

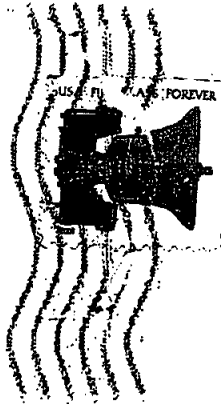
THIS LETTER WILL BE ALL OVER TOWN BY THEN AS WELL AS AT SELECTMENS MEETING.

YOU REALLY FUCKED UP THIS TIME MIKEY BOY.

Bigelow EXHIBIT  
11-3619

11-123-65  
11-088-11

11-157-PR (A)  
11-330-OF

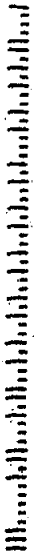


BCI Case 201106260

Mrs. Mrs. Costello  
Judeatha Anne Corder  
Rehoboth, Ma 02769

Q1A

Rehoboth Town Hall  
148 Reh St  
Rehoboth, Ma 02769



02769+9999



Bigelow  
11-30-19

EXHIBIT  
112

Q1G

OK MIKEY- WE ALL TOLD YOU WHAT WAS GOING TO HAPPEN AND YOU DIDN'T BELIEVE IT. YOU WERE NOT EVEN SMART ENOUGH TO FIX YOUR HAIR AND CERTAINLY DID NOT DO ANYTHING ABOUT YOUR LACK OF ABILITY TO SPEAK ENGLISH. I SAW YOU ON TV. BUT YOU WERE SO NERVOUS AND SWEATING. WHAT WOULD YOU DO WITHOUT TEATO TO HELP YOU. HE IS A LIEING BASTARD JUST LIKE YOU AND HAS NO BALLS. I SAW AT TOWN MEETING THAT HE SAID HE CHECKED INTO SEEKONK AND THAT THEY DO NOT DO CORI CHECKS ON ELECTED OFFICIALS WHEN INDEED THEY CERTAINLY DO. HE HAS YET TO TAKE A POSITION ON YOUR CRIMINAL MESS. JUST SITS THERE AND GRINS LIKE A FAGAT AND TALKS ABOUT THE BOY SCOUTS WHILE ROME (REHOBOTH) BURNS. HE SAYS IN HIS ELECTION BULLSHIT THAT HE SUPPORTS CORIS AND THEN FLIP FLOPS. AND JUST TO THINK THAT I BELIEVED YOU TWO ASSHOLES AND VOTED FOR YOU BOTH. WHAT A MISTAKE. EVEN BONNIE IS APPALLED AND HAS CALLED AN EMERGENCY MEETING OF CC FOR NEXT WEEK. THEY HAVE BEEN MEETING PRIVATELY THIS WEEK. JUST WAIT TILL YOU SEE WHERE THEY ARE AT. LIED TO OVER AND OVER!!!!

I WILL PREDICT AGAIN- MAYBE YOU WILL BELIEVE THIS TIME. MIKEY THE VILLAGE IDIOT HAS NO CHOICE. RESIGN IMMEDIATELY OR ELSE. OR BE PUT ON ADMINISTRATIVE LEAVE - PENDING INVESTIGATION. JUST ASK GENERAL RETREATER TO COMMENT. HE WILL INDEED BE AT SELECTMENS MEETING. I WILL. HOW ABOUT THE GENERALS MEETING WITH THE FBI. AT LEAST LEFFORT HAS SOME BALLS AND IS NOT RESIGNING AND RUNNING.

THE WHOLE TOWN IS WAITING FOR TUESDAY NIGHT TO SEE WHAT YOU BOTH DO WITH THE CHIEF. CLEARLY YOU HAVE NO CHOICE BUT TO IMMEDIATELY REINSTATE HIM. HOW COULD YOU TWO IDIOTS POSSIBLY LEAVE CONVICTED FELON MIKEY SITTING AT THE TABLE - AND NOT REINSTATE THE CHIEF. NO FUCKING WAY UNLESS YOU BOTH WANTED TO BE LAUGHED OUT OF TOWN. HYPOCRITES ARE WORSE THAN THIEVES???? CAN'T HAVE IT BOTH WAYS CAN YOU????

HOW ABOUT WE ALL SIGN A NO CONFIDENCE VOTE IN BOTH OF YOU AND PUT YOU BOTH ON LEAVE FOR A MONTH UNTIL WE INVESTIGATE. OR BETTER YET A RECALL FOR BOTH OF YOU SINCE I KNOW YOU ARE FOND OF THESE SPINELESS ACTS.

HOW CAN HE- MIKEY- POSSIBLY SIT IN JUDGEMET OF THE CHIEF WITHOUT EXPOSING THE TOWN TO A GIANT LAWSUIT? MIKEY MUST RECUSE HIMSELF UNTIL THE HORTON ESTATES MESS IS CLEARED UP

IT HAS BEEN LESS THAN 2 MONTHS AND LETS SEE WHAT VOTERS ARE DISCUSSING ABOUT THE PERFORMANCE OF YOU 2 HOT SHOTS. NOTHING NOTHING NOTHING DONE EXCEPT: PUT THE CHIEF ON LEAVE SO THAT HE COULDN'T INVESTIGATE MIKEY. TOO LATE -THE INVESTIGATOR GENERAL WAY AHEAD OF YOU. ATTORNEY GENERAL IN HOT PURSUIT HA! HA. PUT A KNOWN COCAINE ADDICT IN AS ACTING CHIEF. HOW ABOUT A DRUG TEST FOR HIM IF YOU CAN WAKE HIM UP WHILE SLEEPING AND DRUGGING ON THE JOB. CAUSED OUR TAXES TO RISE BY GIVING YOUR USELESS BUDDIES A RAISE. EVEN WORSE IDIOT MIKEY IS SUGGESTING ON TAPE THAT WE DO A PROP 2 1/2 OVERRIDE EVEN BEFORE THE BUDGET IS DONE.

JOEJOE SUPPOSEDLY A RESPECTED DR. GETTING INVOLVED WITH MIKEY A CONVICTED FELON? CAN NOT WAIT TO SEE THE RESULTS OF HIS POLICE DEPT INVESTIGATION AT THE NEXT SELECTMENS MEETING. YOU ARE ABOUT TO DESTROY THE CAREER OF A POLICE CHIEF OVER ONE SIMPLE MISTAKE WHILE BEING SUPPORTIVE OF MIKEY - A MULTIPLE TIME CONVICTED FELON. WHAT ARE YOU THINKING JOEJOE? THE CHIEF DID GREAT IN HIS LAST INTERVIEW. I THINK YOU HAVE SHOWN EXTREMELY BAD JUDGEMENT AND MADE VERY BAD CHOICES BY TEAMING UP WITH MIKEY. I CERTAINLY WOULD NOT WANT YOU AS MY SURGEON - YOU WOULD PROBABLY CHOOSE TO CUT OFF THE WRONG ARM OR LEG. PLEASE HELP TO RESTORE HONESTY AND INTEGRITY TO REHOBOTH DO THE RIGHT THING AND SHOW US ALL THAT YOU DO INDEED HAVE A BRAIN AND THE STONES TO STAND UP FOR WHAT IS RIGHT. YOU CAN BE THE CATALYST AND A LEADER I HOPE. I WOULD LIKE TO TALK TO BOTH YOU AND MIKEY AT THE

BCI Case 201106260

Q1H

NEXT SELECTMENS MEETING AS WELL AS AT THE CC MEETING NEXT WEEK. YOU WILL BE THERE???  
HAVE BONNIE POST ON HER BLOG. SHE SAYS SHE IS CONFUSED THOUGH.

BOTH MIKEYS AND JOEJOES FUTURE AS SELECTMEN HANGS IN THE BALANCE AS TO HOW THEY FIRST  
HANDLE THE CHIEF AND THEN HANDLE MIKEY.

ENOUGH DISCUSSION – NOW SOME HARD FACTS:

1.MIKEY IS INDEED BEING INVESTIGATED BY NOT ONLY THE INSPECTOR GENERAL, BUT ALSO THE  
ATTORNEY GENERAL AND FBI. WHAT HE WROTE WAS A LIE.

READ FOR YOURSELF THE IG'S REPORT – DECIDE FOR YOURSELF – IS THE IG A TOTAL ASSHOLE AND ALL  
OF HIS CONCLUSIONS WRONG? DO YOU BELIEVE MIKEY OR HIS POOR OLD MOTHER THAT HE HAS  
SPINELESSLY CHOSEN TO THROW OFF A CLIFF?

MIKEY NOT ONLY IS GUILTY OF FRAUD BUT SCREWED A NICE OLD SENIOR CITIZEN OF OUR TOWN OUT  
OF THIS HOUSE BY SCAMING THE LOTTERY. DISGRACEFUL.

CAN ALL OF THE INFO IN THE IG'S REPORT BE WRONG- IF ONLY PART OF IT IS TRUE MIKEY SHOULD BE  
HISTORY IN ALL REHOBOTH GOVERNMENT NOW AND FOREVER.

2.MIKEY WAS INDEED CONVICTED OF STEALING FROM HORNER MILLWORK AND SENTENCED TO  
THREE YEARS IN PRISON PLUS PROBATION AND RESTITUTION.

I CONTACTED THE OWNER OF HORNER MILLWORK MYSELF AS I KNOW HIM AND CONFIRMED THESE  
FACTS. WHEN I TOLD HIM ABOUT WHAT WAS GOING ON IN REHOBOTH HE BECAME ENRAGED AND  
TOLD ME HOW MIKEY TOTALLY LIED ABOUT THE STEALING IN THE BEGINNING , JUST AS HE DID HERE.  
HE RECOUNTED HOW MIKEY WAS IN A SCHEME WITH ONE OF HIS EMPLOYEES TO STEAL WINDOWS  
AND OTHER THINGS AND WHEN CAUGHT THREATENED HARM TO HIM AND HIS FAMILY IF HE DID NOT  
DROP THE CHARGES. HE (THE OWNER) OFFERED TO COME TO THE REHOBOTH SELECTMENS MEETING  
ON TUESDAY TO TESTIFY. HE ALSO SAID THAT HE IS GOING TO CALL TURN TO 10 AND CHANNEL 6  
AND GET THEM THERE. HE IS A VERY POWERFUL AND ARTICULATE GUY AND HAS NO STOMACH FOR  
THIS KIND OF BULLSHIT. HE ALSO SAID THAT HE HAD TO CHASE MIKEY FOREVER TO GET  
RESTITUTION. OH OH OH! I WOULD NOT WANT TO BE MIKEY WHEN THIS GUY ARRIVES IN FORCE.  
HE ALSO TOLD ME THAT IF THE CITIZENS OF REHOBOTH WANT TO VERIFY FOR THEMSELVES - THE GO  
TO THE DISTRICT COURT IN FALL RIVER MASS AND THE POLICE DEPARTMENT AND GET A COPY OF  
MIKES ARREST AND CONVICTION. ITS PUBLIC RECORD AND WE WILL HAVE IT AT TUESDAYS MEETING.

3.ALMOST SIMUTANEOUSLY AND THROUGH THE HORNER MAN I ALSO FOUND OUT THAT MIKE ALSO  
HAD BEEN CONVICTED OF FORGERY IN A CHECK CASHING SCHEME IN RI.

4. THERE ARE ALSO ALLEGATIONS AROUND TOWN THAT MIKEY WAS STEALING FROM THE LIONS  
CLUB, AMERICAN LEGION ETC.

MIKEY REMEMBER THE GUYS FROM N. PROVIDENCE WHO RECENTLY WERE SENT TO PRISON FOR 6  
YRS. WE SHOULD ALL TAKE A LESSON FROM THEM. RESIGN IMMEDIATELY I SUGGEST. JOE JOE –YOU  
CAN BE SAVED –DO THE RIGHT THING MR. BOYSCOUT. THINK AHEAD.

DONT EMBARRASS AND DISGRACE REHOBOTH ANY MORE.

ONE OF THE CONCERNED CITIZENS

THIS IS SUCH A GOOD LETTER I THINK I WILL SEND IT AROUND AND POST IT AT VINO'S.  
CC TO NEW TOWN ADMINISTRATOR- MR JEFF RITTER. IG, AG, FBI. POOR MIKEY!!!!

John Kiepler, Rehoboth Resident

11-174-PALELOMY  
11-330-OF

May 25, 2011

Follow Up to Costello gate

Mr. Costello cites "my CORI has no record" and "there is nothing on my CORI".

True statements from Mr. Costello (maybe the first truthful statements he has uttered). Unfortunately, a CORI only takes into consideration the past 10 years and Mr. Costello has two prior criminal convictions predating this period, one for check fraud and another for knowingly receiving stolen property (a felony for which he was sentenced to a 3 years suspended sentence and 1 year probation with restitution (Commonwealth of MA vs Michael Costello to which he pleads GUILTY on 3/16/1992).

It is time for this individual to face reality for once in his life and step aside.

It gets even better, today he writes that now he wants us to believe that he has evidence of his appropriate acquisition of his Horton Estate residence. Funny, he did not have any of this "evidence" over the past several months while the MA IG's office was taking his sworn testimony during deposition sessions. Perhaps he just forgot where he put them - right?

Mr. Costello, save the residents of Rehoboth, even the "concerned" ones, any more of your lies and deceit and move on. Better yet, take your act to RI where politicians like you are welcomed with open arms.

Jim Anderson - A Reformer who is truly a concerned about the integrity of our town.

Attachment to letter

May 23, 2011

The People of Rehoboth.

There have been several recent attempts to malign me and my reputation. Most are aware of flyers that have been distributed to Rehoboth residents that contain

[http://www.rehobothnow.com/Vox\\_Populi.html](http://www.rehobothnow.com/Vox_Populi.html)

Elect Joe Tito

5/26/2011  
Page 3 of 12

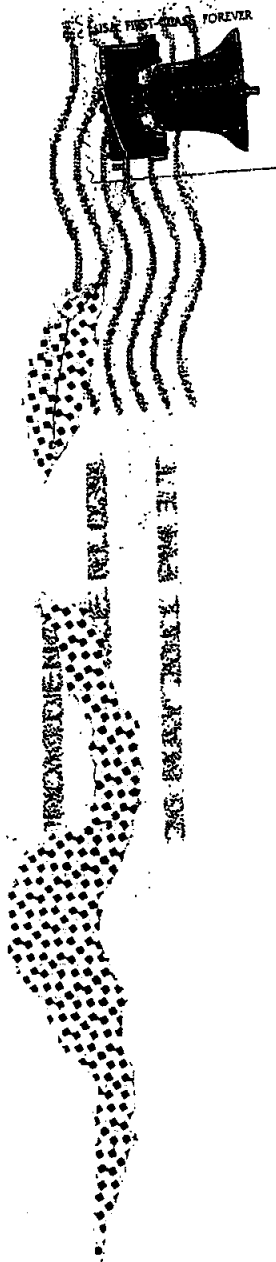


True  
Fair  
#2  
Exile

I am running for Selectman in the Town of Rehoboth and so is Dr. Joseph Tito. Joe is running for the one year term and I am running for the three year term. I support Joe because he is an independent thinker and someone who has a lot of common sense. He is exactly who we need as a Selectman in Rehoboth.

I have had the pleasure of working with Joe on the Planning Board for over four years. His dedication and commitment to the Planning Board and to the entire Town of Rehoboth is why I am honored to not only support Joe Tito for Selectman, but to run side by side with him. Please vote for me and Joe Tito on Election Day, April 4, 2011.

11-174-P2(a)  
11-330-OF

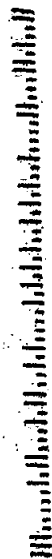


Susan Costello  
11 Judith Anne Cise  
Rehoboth, Ma.

Q1D

02769

BCI Case 201106260



Mikey + Susan -

Please forward your new address  
AFTER YOU MOVE. I know where you  
can buy a tent or maybe you have  
\$245,000 to buy that house in our  
development.

The Homer boys + the newsmen will  
be there Tues. - I wouldn't show up  
if I were you.

A Concerned Citizen

Q1J

BCI Case 201106260

11-198-PR  
11-330-OF (B)

June 11, 2011

Bigelew  
11-3619

EXHIBIT

II 3

Mrs. Michael Costello  
11 Judith Ann Circle  
Rehoboth, MA 02769

Dear Mrs. Costello:

I am sure you are not surprised to receive another letter regarding the disgusting, cheat you are married to. This all may have happened prior to your marriage, but truly, now that you know, what were you thinking getting tied up with such a scum bag.

Suppose it had been one of your parents that had been scammed out of the low income housing, would you feel differently? There is no one lower than someone who preys on the elderly; his own mother included.

Since your husband has no visible means of support, are you happy that you are the sole bread winner? This is another outstanding character trait that your husband possesses. Or does he always have a pocket full of cash that has no named origin??

We are all judged by the company we keep. In your case, you are up to your eyeballs in muck, what does that say about you? How can you defend a convicted felon? What not come clean and tell the truth? It's a matter of public record. He wasn't a young kid that made a mistake, but rather a grown man caught stealing. How will you feel when the owner of Horner Millwork comes forward? What will you say then in defense of your husband?

Have you selected a new place to live? Maybe now would be a good time to preplan your future. Kick his ass to the curb and start fresh. He's a monkey you definitely don't need on your back. If I were you, I'd spend less time defending this worthless human being and more time worrying about yourself.

Sincerely,

A Concerned Citizen

11-198-PA(A)

11-330-OF

USA FIRST-CLASS FOREVER



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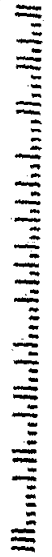
Bigelow  
11-3619

EXHIBIT

113

Mrs. Michael Costello  
11 Judith Ann Circle  
Rehoboth, MA 02769

02769+2558





June 21, 2011

Mrs. Michael Costello  
11 South Street  
Rehoboth, MA 02769

11-330-018

Forensic Services Group  
11-09823 Rehoboth  
IN 1-1 / Dept.: REH  
Envelope

Dear Mrs. Costello:

Well, another week has gone by and we have been forced to watch your pathetic husband make a fool of himself at the BOS meeting. Does he honestly think that you and your friends he can take over the entire town and decide who gets what job and for how long? How stupid is he? His store and tables are not working any longer. People are wise to him. It's that how he gets you to fall in line. Are you drinking the "magic Kool-Aid"? Maybe Jim Jones is his idol and he believe he can take control of the Town and lead the sheep to slaughter.

Wake up and smell the coffee! No one wants him in town, only John Ferreira. After he is through with him - he'll kick him to the curb too. Then where will you be supporting a convicted felon with no job and no hopes of ever finding a legitimate job either? The authorities will continue to hound him until you and he just can't stand it anymore. Maybe you will have to live like Whitey Bulger, needing plastic surgeons to have any hope of a peaceful lifestyle. The only difference is Whitey has unlimited funds and you don't.

What if John Ferreira was hit by a truck tomorrow, do you honestly think he has remembered either you in his will. Retirement is coming soon - what will you live on? Your salary? Isn't that grand! Supporting an asshole whose main objective is to look stupid and sound even more stupid when he opens his mouth.

Convince that moron to resign and then kick his ass to the curb. That's the best thing you could do for your future. It's time you began to think about yourself. He will only drag you down with him. I'd like to give you the benefit of the doubt and assume "love is blind". But really, take off those blinders and see him for what he really is. A disgusting piece of shit, that no one likes, except Lorraine Bobs. Maybe they have more going on than you suspect. Why else would she be such a staunch supporter? Maybe she has a thing for felons. After all, many women have endeared themselves to convicts that have no hope of ever seeing the light of day, maybe she's one of them, or perhaps maybe she has money to offer him - if you know.

Oh well, hope I wake up and smell the coffee. You still have a life in front of you. Don't let this slime ball take you to a place you can never return from.

Sincerely,

A Concerned Citizen


Forensic Services Group  
11-09823 Rehoboth  
IN 1-2 / Dept.: REH  
Paper  
Letter

Bigelow  
11-3619 EXHIBIT

11 4

11-330-0F

Letter to 240 E. 72 (G)



**ing On?**

at in the morning  
Meeting has no  
nd to address it.  
point where we  
with our expenses.  
have dipped into  
ance, our town  
was the only  
inding line item  
to them in the  
available.

a chairman task  
own Warrant to

a rescue cost or exemption option for our  
senior citizens if an outside should become  
necessary.

We need to begin a discussion on  
our options for meeting potential budget  
shortfalls within the next year and a modest  
opposition 2.5 percent should be a part of  
that discussion. Given the age and condi-  
tion of our present town buildings, we can't  
afford to wait until an emergency situation  
forces us to take action.

Peter Hebble  
Rehoboth

We welcome  
franchises, new  
reservations  
subse  
classified ad

**ALL NEW  
BE SUB  
25TH C  
IT MUST IN  
phone nu**

**The Reporter**

We need to begin a discussion on our options for meeting the vital budget shortfalls within the next year and a modest proposition 2.5 revenue should be a part of that discussion. Given the age and condition of the present town buildings, we can't allow a small town emergency situation to force us to take action.

**Peter Hebble  
Rehoboth**

The Massachusetts Inspector General's report regarding Michael Castellino's abuses provides to our advantage and affords a unique opportunity to the agencies of the Commonwealth to learn from the mistakes of the Attorney General's Department. One of the Inspector General's findings is that the Department of the Attorney General has not taken the time to establish a system of internal controls and that the Department has not taken the time to establish a system of internal controls.

www.ehobothReport.com

Cal. 503-252

**RA-310**

the Rehoboth Reporter. It is not our intent to take sides on any issues, but to present arguments from all points of view. If your point of view is not represented on an issue, it is only because you have not voiced your opinion. Let us hear from YOU!

## What's Going On?

There was an elephant in the room at May 16 Rehoboth Town Meeting but no one publicly came forward to address it. The town has reached the point where we are not able to keep up with our expenses. Two years in a row, we have dipped into the stabilization fund to balance our town budget. Furthermore, there was discussion of essentially underfunding line items with the intent of backfilling them in the more money becomes available.

Our finance committee chairman took opportunity in the Town Warrant to size past finance committees for lack of capital planning. This year we could not meet the needs of our basic services where the money supposed to come for capital planning?

Since 1932, the State of Massachusetts passes Proposition 2.5 which limits the increase in property taxes in any given year to 2.5%. It is largely these taxes that fund our budget. While this limit has worked in the past, we have reached a point where it is no longer reasonable to assume that a 2.5% increase will always be sufficient to meet the needs of the town. Costs are rising at a rate greater than 2.5% which means that under this limitation, we will not be able to fund the same amount of services that we had the before. We don't want to always raise taxes as our first reaction to a budget shortfall after working through several budget cuts as where money has become very tight. After examining all of our town budgets to reduce costs as much as possible, it is no surprise that we are running out of options rather than continue to cut services.

Seniors living on a fixed income would be hardest hit by a proposition 2.5 override so we should consider providing either

a reduced cost or exemption option for our senior citizens if an override should become necessary.

We need to begin a discussion on our options for meeting potential budget shortfalls within the next year and a modest proposition 2.5 override should be a part of that discussion. Given the age and condition of our present town buildings, we can't afford to wait until an emergency situation forces us to take action.

Peter Hebbda  
Rehoboth

## Rehoboth's Future

I am a seasoned Rehoboth resident, retired attorney and concerned for Rehoboth's well being and reputation. The negative events over several years have poisoned the well and will destroy our credibility.

You begin to wonder: has Rehoboth, MA become the stepchild of Johnston or North Providence, RI. The Town of Rehoboth must recapture its positive heritage and put an end to our downward spiral. Rehoboth residents with credentials of higher education, worldly exposure, positive personal character and superior values need to find their voice and participate in community service.

The Massachusetts Inspector General's report regarding Michael Costello's abuses plays to our advantage and affords Rehoboth the unbiased opportunity to have three state agencies: Massachusetts Attorney General's Department, Office of the Inspector General and Massachusetts State Ethics Commission, without delay, to sanction, proceed civilly and criminally against Michael Costello thus establishing precedent and serving the ends of justice.

Herbert M. Adams  
Rehoboth

P.O. Box 170

Rehoboth, MA 02769

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IT MUST INCLUDE the name and phone number of the sender.

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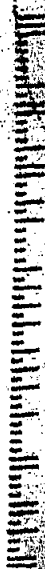
Lori Anderson Meredith Amaral

**100% CIRCULATION!**



Mrs. Michael Costello  
11 Judith Ann Circle  
Rehoboth, MA 02769

0276902559



420631-1k 32

330-OF  
200-FN(B)

HEY SUE

Why don't you  
Come to the meeting  
on Mon.

HEY LORRAINE -PUT THIS ON THE BLOG-HOW STUPID CAN YOU BE

YOU TALK ABOUT THE CHIEF AND A FORMER SELECTMAN BUT FAIL TO PUT ANYTHING UP ABOUT YOUR  
GOLDEN BOY MIKEY. ARE YOU SCREWING HIM TOO?

Q1C

WORD ABOUT TOWN IS THAT HE IS SCREWING THE ASSISTANT TOWN CLERK OR TREASURER OR  
MAYBE BOTH. THERE ARE PICTURES BEING CIRCULATED THAT PROVE IT. WOULD YOU LIKE SOME?

WHY DON'T YOU PUT UP THE NEWSPAPER ARTICLE ABOUT THE 26 NEIGHBORS THAT WANT HIM OUT  
AT ONCE. ALSO TO PAY BACK THE MONEY HE STOLE FROM THEM.

DID YOU KNOW THAT DUVALLY IS MAKING DEALS AND ROLLING ON MIKEY. MONEY TALKS????

STOLE 40B HOUSE FROM YOUR FELLOW SENIOR CITIZENS

STOLE WINDOWS FROM HORNER

FORGED CHECKS

STOLE FROM LIONS CLUB

STOLE FROM LEGION

STOLE FROM FIREMEN

FORGED TITLE TO WIFES CAR

SET FIRE TO WIFES HOUSE WITH HER IN IT

SCREWED THE CLEANING LADY AND THEN MARRIED HER

LORRAINE- HOW STUPID CAN YOU BE TO SUPPORT SUCH A BUM -THIS IS A REFLECTION ON YOU TOO.

IF HE HAS ALL THE EVIDENCE TO DEFEND HIMSELF WHY DON'T YOU PUT IT ON THE BLOG ALSO.

YOU SMEAR THE BLOG WITH USELESS INFORMATION YET FAIL TO BE OBJECTIVE WITH THE IMPORTANT  
STUFF.

YOU AND BITCHY BONNIE SHOOT YOUR MOUTHS OFF AND RUN - HAVEN'T HEARD FROM HER IN  
WEEKS. NERVOUS AND DISAPPOINTED WITH THE O'S AND ALL THEIR LYING??

A FELLOW CONCERNED CITIZEN - MAY BE JUMPING SHIP SOON THOUGH

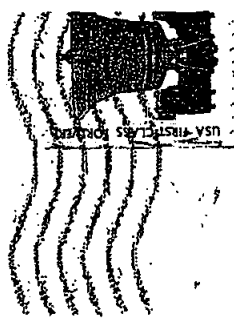
BCI Case 201106260

11-330-OF  
11-240-PR(A)

SUSAN "THE MARY" COSTELLO  
11 JUDITH ANN CIRCLE  
REHOBOTH, MA. Q1B

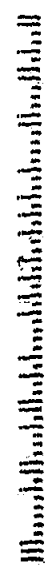
02769

BCI Case 201106260



PERMANENCE BINDER  
REHOBOTH, MA 01923

027692558



Bigelaw  
11-26-19 EXHIBIT

TL

11-243-PR  
11-521-OF

HEY LORRAINE -PUT THIS ON THE BLOG--HOW STUPID CAN YOU BE

YOU TALK ABOUT THE CHIEF AND A FORMER SELECTMAN BUT FAIL TO PUT ANYTHING UP ABOUT YOUR GOLDEN BOY MIKEY. ARE YOU SCREWING HIM TOO?

WORD ABOUT TOWN IS THAT HE IS SCREWING THE ASSISTANT TOWN CLERK OR TREASURER OR MAYBE BOTH. THERE ARE PICTURES BEING CIRCULATED THAT PROVE IT. WOULD YOU LIKE SOME?

WHY DON'T YOU PUT UP THE NEWSPAPER ARTICLE ABOUT THE 26 NEIGHBORS THAT WANT HIM OUT AT ONCE. ALSO TO PAY BACK THE MONEY HE STOLE FROM THEM.

DID YOU KNOW THAT DUVALLY IS MAKING DEALS AND ROLLING ON MIKEY. MONEY TALKS????

. STOLE 40B HOUSE FROM YOUR FELLOW SENIOR CITIZENS

. STOLE WINDOWS FROM HORNER

. FORGED CHECKS

.STOLE FROM LIONS CLUB

.STOLE FROM LEGION

. STOLE FROM FIREMEN

.FORGED TITLE TO WIFES CAR

.SET FIRE TO WIFES HOUSE WITH HER IN IT.

. SCREWED THE CLEANING LADY AND THEN MARRIED HER

LORRAINE- HOW STUPID CAN YOU BE TO SUPPORT SUCH A BUM -THIS IS A REFLECTION ON YOU TOO.

IF HE HAS ALL THE EVIDENCE TO DEFEND HIMSELF WHY DON'T YOU PUT IT ON THE BLOG ALSO.

YOU SMEAR THE BLOG WITH USELESS INFORMATION YET FAIL TO BE OBJECTIVE WITH THE IMPORTANT STUFF.

YOU AND BITCHY BONNIE SHOOT YOUR MOUTHS OFF AND RUN - HAVEN'T HEARD FROM HER IN WEEKS. NERVOUS AND DISAPPOINTED WITH THE O'S AND ALL THEIR LYING??

A FELLOW CONCERNED CITIZEN :- MAY BE JUMPING SHIP SOON THOUGH

Bigelow  
11-3619 EXHIBIT

11-7



Personal Information

Black n' Red

Name

*Stanley J. Bigelow*

Dates of use

If found please contact

Guide to book contents

Important contact details

Stephen Mand  
401 625-5909 401 624-2640  
Mick - 401 5509-1506  
Mary 445 000  
14,000 labor  
30,400 20,828  
David 4507  
Jim Donnelly Taylor Body  
2456 (1-5) shop  
1500 531-8700 -  
Jim Mangione Eric  
781-440-2924 Brian  
Frank Francis  
401 588-0767  
Michelle Grant Annit 2675  
Joy Kiser (1-2)  
508 252-4472  
St. Monday Thos. Hance  
Shawny Kugel

St. Monday. Thos. James  
Henry James

Melba Quent  
Long River  
508 252-4472  
April 26, 95  
(1-2)

Frank James  
401 588-0767

Jim Mangione  
781-440-2924  
Beverly Hills

from Donnelly Taylor  
2456  
1500 531-8700 -  
1-5  
Shelby

14,000 Labor

---

30,400 20,828

Stephen Hand  
401 625-5909 401 624-2640  
Nick - 401 532-1566  
Jimmy 445 000  
141 000 John



Per Exp -  
Cash -  
M/E

100 0000

Car 4

2677

Car 4 - Deane 1-44

744-2498

Receipt 5011.83

Scotti, Dennis

1 Marine

2429

222-9904

1-32

Atlantic

170

Long Key

842.90

594.48

Gene

Con to

John

not found

John

411.1

Submarine

John

1011.1

Supp

John

1011.1

1940

1340

1340

Smith + Scotti

Bank -

Prin -

Insurance -

Cooper

John Alexander

Miner

Dennis

837-5296

Phone - 588 889 - 7798

holding 14,142.43

Christmas - Select

Edward Thomas 1800 628 0253

Under 201 855218

Tree

8-6-81

1/21

Stacy

1-6-1

Wed June Spectator

am 30

Ed

9.00

Shirley - Lisa  
Sedding

1270-3984

0.5 with everything  
before material

Don Thomas

ending King

80809 1800 2517447

Wife Nite

Aug 30 827-4130

11 MAR 1974 1-50

Mike memo

8-430

8 1/2

Rich  
Hess  
Lamit

Case -  
Alan Tracy

12,084.

11,909.71

401 942-4052

Call Paul Ostrom

401 714 4443

At Mini Cooper  
Sara - Call  
860-476-4189

12631  
1-45

Don David Call  
Gilmour 2000

508-336-8240

2602  
11271  
Body  
wife  
free 124

Joe Spoke -  
Apt. 4 - US

Metairie Kille

Town -  
Hornick -

3rd 4th 6 days  
888-8055912-4444444  
Buck  
17th

2725-2725

ten Creech

Towed

Deep - Alhista

89 Sun

7429579

cell

\$39. -

Annancey Bay 714-44

39. -

Sept 2nd Nov Soc

200.84

Brian -

\$278.84

Bookford

Long Wood -

Chase

Jana -

Stephanie

2115

2146

3.000

Emilia 508 2239 2561

2983-2901 -

Quintal 4 Kymber 1944

Tree Hills

2704  
1068

Julie Andrews

2008 Confinity

942-0500

Turnade

Maria Silva 500 -

Properwire

(2)

Maria 2431 1-65

Funnel Mixer

(3)

Angella Marshall

Wall

4

Chingie

Caroline

Tommy Amos - 508 4754056

John Marshall

11,497.63

1430 9130

like - National 2695  
turnover 1-50

1430 300 2500

4. Bingham 2724

230

585 -  
Atlantic

108 of instruction, - Brian - Amer.  
\$2000 + 75 - 714 - 4493

5208 - 9157 Brian M.

23 300,000 3000/aw

23 100 km

1205 23

John Dimney

Amico 263-3163

2662 1-27

1-75 6mc4500

(1648)

Feb 9th + Feb 16th

[Free] 8:30-5

Kathy - 866 5281924

Walpole me

Stephen - Auger

434-6847

Tom Footst I Gold

Young Brian 2708

508 252-8020 1-64

PMW 1900

Wardner

147,416.90

147,412

21'

2-4

Emily Post

77-1822, 59 7th

~~Robert Sturges~~

~~Jerry~~

~~Madison Hudson 2000~~

~~Alton 508 965-1601 2576~~

~~2726 12-5~~

~~Kimbell 4 Feb 2711~~

~~03 February ES 300 2711~~

~~2711 99~~

~~Feb 1988 2712 1-8~~

~~1988-27180~~

~~John Lincoln~~

Return Outlook 2007-White  
Census

Maupaise Barnack

578-2230 Cell

245-9914 home

435-7876 Office

Saturday Seaside

Demko-Winstrop

Mad Chalmers 2576 Canyon

508 965-1601 12-5

Maureen Mendez

908 281-9927



Mark Keminski

508 287-9927

2729-2729

Mary Truchless 2057

508 946-6012 1-37

Monday Morning 1/14

05 Toyota Corolla

Body Shop

with Yotabrigar not work  
left side mirror gone

2000 Chevrolet 300 2495  
1-50

433-4371

550-1066

my A+H 401 261-7640

2-3 3 leather + 3 pumps

Henry 1st top

280

633 2171

Truck -

Dave → (603) 765-5954

Truck

Tues 6/5<sup>th</sup>

Dave - Progressive Wed 5:45/5<sup>th</sup>  
Mon - Mon / Tues 6/5

5:11 5:13 <sup>Route 4</sup> Fri 6/30-5

all - <sup>all</sup> 4036

prec - Truck

prec - ① ③ = 13  
13th 1/2 trucks

prec - Taylor Janie 2656  
Henry - Anna 71 1-5

640-6832

(44)

part of the

Chassis -

390.79

390.79

13483 735  
13940 1985 3/4  
166215-840  
500 (4.78)  
for

in Staples. Com 1/118-1120

ES94 - Forton 508 626-7000

WHEIM - Tarrant North Brighton

American  
Brighton

Decker 199 2004 Honda Civic ST

ride Damage left (Bueno)  
all 519 2466 Foster Fairing

to out  
Xmas 80 Over

Wheeler  
Wheeler  
Silver 1981

4467.12

121- 36.64  
2- Feb 4 36.64

848 T. 1 1  
42 439.02 +

2745  
2730  
2739  
(2748)  
(2739)

Kia -  
Contributio - 434-8844

Grey Sector -  
1448

Light - Supply  
Sov. - Sov + Deposit  
Shaw 2000

813 813 814  
15,899.66

794 144 -  
Base -  
508 252-8081

40 - 3681  
Arrive -  
508 463 8317

91 1103.7

05-0470345

Propane

2744 - 1-20

45-1573

water, Ken Fay

2002 Mustang 508336-3324

774-991-1478 2729 2-39

4504 - Dan 2456 1-5

Acme 1800 5318700

Donnelly (Tough)

16-6997 ~~Paul~~ Mike 938 8550

Propane Enterprise

02109 \$14,150.76 4 mos

1/21/01 8 \$3,537.69/mo.

2/17/01 832.46

1504 4659.20 4491.52

Andie

Jane Leary

Jane Mankin's

Herts 150

383-8829

Ruth Thompson

2004 GMC Canyon

383-8829

Diane Aland

Seal

199 Jeep Peter D'Adda

676 3048 2905

1991 742 901 Canyon

12 2700

Green Blue

Wendell, Robert

1060

908 641-9644

de Fernandes

Ron Rio

51-5411 →

unmarked

2690 1-13

5 Demand 2705 1-31

308 984-5846 Black Cat

End of day

ore Silvia

2796

Human

2-23

Silvia

737-8192

On 2-4

any AutoQuest

844 E. Santa

2705

1.

Stephanie Bayner

1-26

308 823-7440

1<sup>3rd</sup>

0 Tom

06 Stratus

40 Marshall

Dee

20

2722 1-32

Dodge Stratus

Mary Joyce  
Barnes - 2-1

2728

598-2230 -

2-12

(584, 584, 67)

Don my to get cat

John - Scherberg

Mike Morawitz -

781-775-0457

Benny Ward

2716

383-5834

Tracy

2754

213 Vics

2705

Wendell - Bob

Carl 700

508 641-9664

443-5300 Monday

710 453-3880

453-3880 1-31

Davis Susan

438-9250

Ed Patrick

X151

Opie Alameda  
05/11/11

Bill - top

343-3420

Jim - 7-730

Jim Hinkle 2688

Mike Tomando

Jan 4 1-10

Mom - Camar

508-269-3614

Jamie Taylor

2655

Deanne

1-05

789-1091

David Dwyer 725-4422-2241

Payson February -

4146

412-4092

Bob Baker - 2007 Made 2732-2/6

Myra Williams - 2734-2/54

Myra 4345160

Bill Sullivan 2741

Jim Cherry 271

508-3361397

Dave Knorr 277

265-6447

1-56

508-443-3203

Call prob - Deane

Caroline CTS

419-4216

415-0411

Anna Maria  
401-722-6701  
Foreign  
Webster Bank

215

Complete Black Bird - Bill

Chatter

Altn from Seward

100 Bank St 5th Floor

Burlington VT

05401

~~Saw~~ Tom Morris - Allstate

Reps from King

860 696-4106 fax

Phone D 960 626-4084

General Statutes

re: prep Statutes

Call back re: TLES SURE

1190 2002

1190 10 212

1190 10 212

General

1190 510

1800 726-2235

X 4129

396 626 8297

George  
Kin - Gustafson

Kin

438-5334 - Direct Dial

Therese Whitcup

Samy Williams

921-9258

X 4457

981.83

7800 USA

Franklin

Overland

7800 7800

800 531-8222

133 13944

W. W. W. W. W.

981.83

981.83

981.83

2/13/08

~~Phon~~

~~Amey Chapman~~

~~Kenner~~

Wambold, Bk  
508 2752  
2515

~~Waker~~  
~~Spencer~~

7700 Point

~~508 336~~  
~~Waker~~

120858

~~Waker~~  
~~Spencer~~

77

~~Canwell~~ - ~~Frank~~ 1564 Score  
~~allstate~~

~~Marylou Brumby~~

~~598-2230~~

Silver 3900  
2575

~~Montgomery~~

2-89  
2-782

~~Marylou Brumby~~

~~258-9863~~

~~Ray McPherson~~

14315176 2734 2-54

#3705

(2354)

~~Frank Dupuis~~

2226

~~07 Auditor~~

430 Central Ave

~~039-7363~~

Point: 028101

99 F250

430 Central Ave

~~Sue Ambella~~

5084234561

X73227

~~Gene Dyer~~

8th and Dore

~~Gene Dyer~~ - 8th and Dore

~~Apparatus~~

~~Stephany Taylor~~

Stephanie  
stephanie@vpsos.com

Dave these are the doct.  
we talked about.  
Please let me know if you can  
do anything with them  
I'm o'clock 2 amounts

~~Stavros -~~

Jeff Bauer Wed  
Square

Jennifer Reir

401 438 9250

401 515 612

Dennis Suga

Gray Wood  
383-5834

Paul. Co

438 5334

Kent  
Cramer

Doug Wahl - P/u  
why delay

Faint - mounting  
Exhaust - Kim Carter

Don USAT  
01 Septs - Turnbull

1800 531-8780

Dave Progs

Granville Shaw

Mark Gaudy  
401 611 9481

Gray Wood - P/u + get this off

Playhouse Theater

returning 800  
4100 - 2566

898 9400

Pam Long

Pamela Long  
Rudy Inc

800 284-2137

438 3946 1752 94

800-284-2137





\$1000 - light bulbs

2/20

any transfer

2002 Transfer Ed  
Gibson, David + 911

508 675 4001

Long Beach USA ~~Week 1984~~  
21884

Baker ~~apptate~~ ~~Personnel~~

~~Grace~~ ~~Wood~~

~~Mary~~ ~~Wood~~

~~Gibson~~ ~~Wood~~

~~Joe~~ ~~Wood~~

~~Joe~~ ~~Wood~~

Personnel

Walt

1800 992 6462  
x 86438

2/21

Long Beach

2763

Betty

Bryden

2-74

1800 252-4670

x 4477 (Wed)

Long Beach

Long Beach

1436-7100  
x 553

408-527

Dave Carter

901 226-3782

5000

101 885 43

101 885 43

3000

101 885 43

3000

(401)

588-0767

588-0767

Gen Reis

464-1562

W Parat

Keith

Barney

7112

2-80

800 992 12 4924

800 992 12 4924

11th March 15th

Margaret

W Parat

800 33242

1800 21-1405 4

1800 21-1405 4

1800 21-1405 4

1800 21-1405 4

1800 21-1405 4

Stark # Supplies

ATG

05

Dan

Hand for

W Parat Side Forester

opt

2003 Minivan

Clance Turner

578-4728

Dept.

James Martin

James Martin

508 330 7193

Black and White

Nurse

2490 1417

2490 1417

2490 1417

Amelia - Joan Travis

Direction to pay 2780

Sent check to mother 2-68

Need direction to pay

Spain - 1800 232-1974

Tues - A.M.

Chen

(4)

~~Spencer~~ Kentucky

Living to day 1st 2002 January  
401 864-2902

Deeds - Atlanta - 401 864-2058

97 Google William Root

we called for supplement will be by  
on Monday 15 of April

Paul Jean - bumper lot

Amelia - Jennifer

James

with 3 days

Caro Howard and

Spencer - Sherry - AAA Tour

and LouAnne - Patricia - Charlie

James - Cecel - " "

Amelia - " "

~~Amelia - Spencer - Sherry~~

Chris Kennedy - Army

Living by Stiles Road

Young to top 1st

Paul Jean Fox - leave cancelled?

Paul -

Tony  
encaps  
mbrs

James 18th @ 4-1

1992 - 1994

USAID - 1800 531-82

Paul - 1994

Paul - 1994

Paul - 1994

Paul - 1994

18th Feb 1911

Adams

James

2823

3.

John J. T. 1001

Johnston

*James*

30.2

For 22550867

Lead / 31, 70

Drum

~~100 to 100~~

10/11/44  
10/11/44

10/20/89  
Cord 276 y 189 #11  
860276 y 189

~~885,838~~

Ken

138

Tractor  
Feed

790,228

400 24  
400 8'

14

William Neal

X 24

Pine Knolls

47 Knolls

2.86

\$336.

888 348 1169

~~888 348 1169~~

40 40  
30 40

Jenny - Boyner

2007 Blue

2007 Shiner Mouth

2007 Top Ketur

Change  
Overhead

Ground Pnt  
354-46297

386-4246

Pay

3.1

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105

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8072

Pay

Back R.I.

8072

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8072

~~888 348 1169~~

Ray Sutor

3-M Company

03

Don Lewis

12

12

12

12

12

12

12

Tom Conti

12

12

12

12

12

12

12

12

John Ford

12

12

12

12

12

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12

Allen Joe Auto

12

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Dalores

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James

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Anthony

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12

12

12

453-16817

2-67

2809

2809

2809

2809

2809

2809

2809

326-3130

326-3130

326-3130

326-3130

326-3130

326-3130

326-3130

326-3130

326-3130

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130

Frank - Alstate

83, 10183

83, 10183

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83, 10183

83, 10183

*[Signature]*

2

2757

2-1

Booky Shop

2803/1

2-44

~~1000~~

439-6694

1

10

after 10.

Mike  
97H9350

11/17/15

~~15/5~~  
15/5

10

1000

48,187

*Handwritten signature*

10-29

1000 \$

7/10/72

Time Spent Upon Fair Time

$k_3 + 2$

附錄

188

2012

Ms. A. 8317

40

2222

Dr. J. H. H. H.

R. 59



~~Bank~~ 2814 2-53

~~Transactions~~  
4344485 ~~Candle~~  
Red

~~Bank~~ New Blue  
1999 ~~Canada~~ Army Am  
Matured look at  
438-1722

Continued \$246,928  
4344485  
1/14/233.43

\$3,773.09 OK  
2400- DEC Antilled Mined Lights  
4308.37 → Time reduced 2500  
Paid to PEC. 1808.27  
4351.37 ?  
\$14,233.43 27062453

~~Bank~~ 2507

Miles ~~Mandarin~~ 2-28  
2002 ~~Shanghai~~ ~~body shop~~  
1/2001 529-7830  
Rat

16,448 Pat Amstrong  
-10- 86 17 90  
13 13 30  
132

1/12 30  
Susan French  
1797  
2743

\$316 29 ~~Mar~~ 2006  
\$316 10/11 ~~Mar~~ 2002  
\$246 2/11 ~~Mar~~ 2002  
3916 926  
1800 834-6011 X4468  
Dance Martin





192.17

Bumpers

Year 534.49

~~Substituted~~

~~George, Port, 4th~~

508 336-8240

Deposit

Bill's Bell Bell

Car leaving

1781 746 9900

769-6900

DPF - tax - on - call advised

not deductible - has pay received

and Company Payment - New

Payment 5th

Mr

Mr

Arrears, Sergeant

2781

1999 Infirmary

Self - Party 431-5176

Self 06 Altitude 2830

05 Cammy Tunes 2833

My little Maria

Mr

Delaney's Paul Kitchen  
3 days Travelers

24345360-04

Cathy Jones

508 822 1020

Maria Wampler - White (Call back)

774 406 7777

John Tanco 780 2780

2-68

Ken Feller - 24th

Seller

Genuine - Christopherine Pay  
8242313

Candy Beck

800 209 9203

Jimmy Mober

825301

Murray, Allen

2258

2005 record 2-21

Franklin Blisset

2828

4581722 Candy 29 Body

Linn - January

1781769 9200

434178

33/Alach 50 NW

1819 769

800 546 9915

65-

9819-2-53

Billy Power

James  
301 271 413

Loose

Wendell  
8242313 2803

Wendell

800 422-3340

2-44

James H. 1781

Ken Green

Harold, 911th Ave

24274413

2003 record

Roll

2834

Wick Met & Co

Greenhouse, 1000

8276130

949 439 0200

Tom

Call Dr. Bernards  
Call Home

Sunday

Freddie - Met Life

Kunda + Eric Walker

97/10414

Compartment - 199361-20

401/82746107

Lead - Rental

ing Traveler

2-27

Edison

010 Atlanta

800

202 8722

2005/228

2007/15

474/8492

Point

474/8492

2007/15

2007/15

W

2000/15

2000/15

2000/15

2007/15

2007/15

2007/15

2007/15

2007/15

2007/15

2007/15

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2007/15

2007/15

2007/15

2007/15

2007/15

2007/15

2007/15

94 Towler - 1800

Towner - Turner, Michael

Turner - 1 month

45000 - Dr. Travelers

41800 - 1877 786 - 5584

Comet - Att Keller

2007/15

2007/15

2007/15

2007/15

2007/15

2007/15

2007/15

2007/15

2007/15

2007/15

2007/15

2007/15

2007/15

2007/15

2007/15

2007/15

Cher Fox See Furniture  
2 Supplement

Morie - Hand Stamping

Plot OK Sec.

Maria George -

Hawthorn 2814 2-53 11.98

Booth - Thurs

Lower 864-2249

Bob's / Bob's  
deposits / 1 Holiday

Paul / Cancel Per it

Jim National / Cancel Per it

Don / March 1st

Allen / April 1st

Donna / April 1st

1800 726 235

X4124

11/15/07  
for 3/1

Don - Andrus  
676-8185

Wed - 7:30

Spikes

Donna Clement

82 Ave

SD 6721454

Thurs

City - 08.7.17

Eden Ryan May

714 991 2060

McBride, Kevin

434-8880

6, 974, 68

6, 974, 68

6, 974, 68

20,580.57

6974.68 Bank Bal

28

62,616.33

Add / Sub

Bad

~~21~~

69,238.77 Overhead

47

~~57,576.26~~

34

53,571.56 Bad -

27,053.88 Add

32,912.41

48,154.01 3/12

27,555.26

20,598.26

10,582.08

3245.80

3249 34,649.03

13531 732.26

13541 681.91

13539 200

3242 3498.85

3250 1800

3256 153.04

TRAC - 600 FORD 8/15/04

651-1212 Marilyn

3245-75

13540-738-

13538-604.80

4754.05 7th

4342.89 7th

1991 3rd

1991 3rd

1991 3rd

1991 3rd

1991 3rd

1991 3rd

1991 3rd

1991 3rd

1991 3rd

1991 3rd

1991 3rd

1991 3rd

1991 3rd

13

~~5279.1~~

Doc 245 5647 2758

Curry Done -

- M<sup>t</sup>. Plateau one (10 ft)  
 - keep made -  
 - Kutter's M<sup>t</sup>

P/R -  
 Bank - Ready Deposit  
 Deposit

Joe Davis  
TX 556

Bill Peterson 286  
Maack 388  
M. M. M. 11

*[Signature]*

10/9  
Handwritten  
25/4  
8609

~~Two friends~~

11

Canada - Interstate Equip

508 998-3583

2868

PAV 4 2006 2804

Source YIP 30  
Source 990-7793

~~508 99c 1 ml nutrient~~

1942

# 37,973.43

1000 Authors

*John*

8/26/89

129, 238

64,619

No

Dr. J. W. W.

~~10/8/01~~

Ad

三

12

7

4/12

~~Swig PPL Code~~

Part I

John

7

1

R. 66

2867

Long - King

038-92-9140

3/3

3/10

138-52-9140

Payson  
Hudson Lucie

Xavier

253571-8820

Amie KEYS

Dave  
245-5647

John Bob

Solaris  
Paris

401 619 0373

954 933 2640

Fuel Sue

289-0295

Johnny

2863

3-41

Body  
Shop

~~435~~

4345160

Huddie Dan Bob

2806

Red Portage

2-30

2286 8449

12c

Valley Green With

24x24 Shane 24"

Spokane Supply

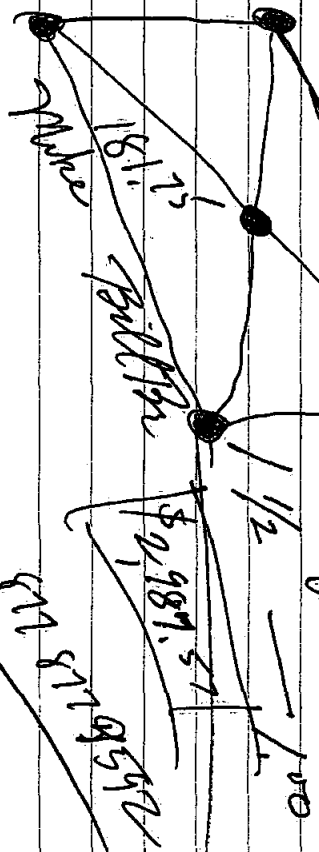
1486

241-

100

100

100



102,110.66 \$5124.14

~~Plumber~~  
12/11

1990.00  
1880  
Missing

12/10  
1990.00

Mark

1/18

Deposited 4920.34 Thursday

1101 781 1171

2881

519 8940 PM

Money Wang #

1001599582  
Right ID.  
S. H. H. H.

Comp

11/6/11  
877 425-2467  
X 334  
Supplement

Quik. Silver@BESKmail.com

8742.51  
Chaz Kennedy

508 993-0295 Quik

87242.51  
87242.51  
S. H. H. H.

99 425.10

99 425.10

99 425.10

99 425.10

99 425.10

99 425.10

99 425.10

99 425.10





289

Pick District

Mace Meyer

Trail Detail

Back - Big Thaw Sure

\$ 297.75 - Computer

140.-

\$ 437.75

Est 259 -

\$ 297.75 comp

140.-

\$ 437.75

465-4499

State Police

State Troop

113,482.85

113,482.85

113,482.85

\$ 190.-

Fence

Deals

Tom Moore

908 7062

2-10 2834

Trail Data

Colorado

226 6386

TANG 2897  
3-78

Deals Sales Tax

Trail Data

Kevin Place

State Troop

Scott - 508 336 800

Speckling & Humphrey Tolson

Stanley Backlund

Tracy Ruyner

Bill Gieb 950 5533

3 men 1 day

3 men 1 day

John & Painter

John & Painter

John & Painter

John & Painter

John & Painter

John & Painter

~~2476~~

Jim Peck  
Chad

Mauri - 774-406 7777

Dennis Rogers 475-3773

11.70

508-995-7687

Dennis France

Dave Bruce  
255-3154

Payment 10007.03

51490063920 2780  
Tami

501032 in 10/1/77

Supplement

Jamie - MacAllister  
508 995-7687

WEXAM

Doug Alexander  
249 5754

28557  
3-34  
of record

Jennifer Mequel

508/402-7094 Fax  
402-7095

Dennis  
Piquin  
475-3773

Inspector

5/19/77  
Total

5/19/77  
Total

Ronald

2887  
3-71  
Pear  
Kawaga

Eichbaum

Chui  
East

401/43523

Doug

Custom Length

1800 234-0337

Top of track to floor

172,696

Wall to wall

Mike Stearns

Pat Stuffer

34 people  
Search 29

5671

21 x 1.25 = 26

14 x 1.25 = 18

23 x 1.25 = 24

450  
65  
715

1790

68

Full floor  
975  
for search

2700 people  
3000

Pat Stearns  
975

33  
141  
1596

Rec + 1000

Adj -  
to actual P/R

Our 209,526

P/R 153,383

P/R 18,453

Cash

4040

Adjust purchases for difference  
between P/R

\$1,394,000

\$345,583.31

+ 143,228.25

488,831.56

~~508,672~~ 4971

Heavy

508,672 - 4938

from 508,995 - 187

Heavy  
for 3000

175 60  
110  
165

Major front  
330-0115

for 975  
181

Highlander

J

*Parthen* - 1800 966 7334 X3619

Vergini - Vergine

Ogden

\$1769.04

Yours Truly

4342018

Adhok

Boone OK & much

Stunt - Junco Tree

Levi Martin  
Dunsmuir

8176904

Maria Glauert

~~RTD051511368~~

16  
1400 Ave St

Office

Kelly D.

25/1/55

10/10/2019

712

971

*[Signature]*

8938.43

Chris

862-5960

2922

96/20.02 11/4/8.5

32, 169, 34

4 AK  
IT

2933

305

34

72

Ernst

21008.

15

146

1810-11

Franklin

11

U

10

1/10/19

$\frac{1}{\sqrt{2}}$

5

✓

6/14/05

Notes

Rich. Lewis @ BCSB.com

~~James~~ - Tracy Pankas

Amni, Richard

2896

806-950 5533

X2806

~~for~~

~~John Pankas~~

~~Scott Pankas~~

~~401~~

~~38~~

Jeff

Deliver

265-2434

Kim Spitzberg

James Pankas

Number 473 / 4579

9B 77108

Car -

~~James Pankas~~ Callaway

2001 Corolla

Proj 084611913

~~Charlotte~~ James & Allowance

Richard Pankas

Willis Pankas

431 2087

Car 4

Carla to  
Intervista  
Pankas

John Pankas

265-2434

17 on as filed

~~Frank~~  
Frank  
Roth into lease

12/21/02  
Brent from 24 @ 3/30  
Lease \$80 -  
Shannon 1 bid

Rease - look up  
Book 213393  
Sertwick 04310065  
#533891  
Brent (Red)  
Divers (Red)  
Bar

RI-0001597582  
#533891  
03 Mps 11/13/2000  
ML 5320 11/13/2000

Bar Enterprise  
Leaseholder - out 1 st  
4 st  
West Guadalupe  
Keller

Leasehold 27th Lease  
Lease

438-8550

South Ford

Tamara Egan  
Said 480-3863

Flamers

7th 316.78 - Cred at. 7344

Shaw 3140.51 -  
371.35

3127 5  
977.55

1207 5.10  
1.67

Propriet

Top Rates

Wheel Street

Q13 rates

480-8112

Acme so

11,338.95  
11,908.12

Tommy  
Mabry  
4336917  
2918 5-55

Truman 2932-2935

Paul Champs

Northrup Cooper

(4/8)

Robbie Longway

378-0258

Parat

6:30

872 0067

Robinson, Norman

Canary 2002 Model  
Side Sept 2007

Stephen Ross

Jeff Shannon St.

Market

2/228

Hammond, Oscar

861-2971

9-26

3/335

Jinda Koughlin

2/935

Dubois

2/895

2/228

2/923

Dubois

(2842)

2/228

Longway

Traded

Longway

3/25 0748

Longway

2/1920:30

Pat EMS Extract

Supplement

2930-2932

The Pathway 67650

1800 637-8511

Joe Fey

374-6915

Access  
Pathway 15

1800 875 9834

115, 775

10/20/07

Joe Code

8879

11/8/10 4/58

2/887

5/5/84

2/5/84

500

800 531-8712



3-34

Thelma  
2000  
Borjaks - Fourniere  
083-44658

508995 7694 Page

401 Diana Rochester 11.00

James Burdese (04)  
from Silverwood White  
1st yard of 2

Greenleaf

Spencer Tunick

7

~~Jan 18<sup>th</sup> 1946~~

Jenny Gulik Jensen

Flower Garden

Pay bills - Trust  
Call Assurance

100, 2981

7/12

11052

James McMullen

~~1910~~  
~~1910~~

[illegible]

2000

Chae Kennedy  
\$688.08

19th July 1900

1800 251-7447

908611

X 7075.



1848 3-26

Valente - 431-5176

Supplement

439-6094

46,703

1823

Angels

~~Stock~~ ~~4.25~~  
~~White Sands~~

465-4557

~~Doc -~~

~~Ted Skanner~~

~~Saturday~~

~~2253~~

~~31, 491, 81~~

~~401 263 3939~~

~~4-70~~

~~155~~

~~Doc~~

~~2470~~

~~174~~

~~Ed Allaway, Guy~~  
~~Griffin~~  
~~Griffin~~

~~493~~

~~401 699-326~~

~~418~~

206.55

Togo, Kille, - Call for - Dentist

Enterprise 339-8080

Poster

2973

~~Robert~~

~~5348870~~

~~1944~~

~~Robert~~

~~Robert~~

~~Michael~~

~~Ken~~

~~Cindy Met Life~~ Warner,

~~Robert~~ Marie Deard

~~500/2~~

~~Doc - Allstate~~

~~Doc~~

~~1800 726-2235~~

~~Emperito~~

~~Detail - full~~

5679.00

Schedule

Take, Soc. Bldg, deposit, Post.

205  
Federal 12,816 -  
R.I. 11,650 -  
Mans 145 -

\$24,631. -

Under Take + Sales Take

Francis 026-64-5271

Megan Amicus -

1800 992-6422 X86039 P

1866 774-3318

63

Amicus

508 295-1553

2998

Recher 2998

Robert Jones 477

Edward 817

Call Soc. ~~Post~~ 935-2524

901 723-4012

268.1 334.9 448.11  
Hasty Caput

X 334.9

Under 2987

Under 508 973 4572

Under 9249 558

Under 2886 21

Under 413-6465 3-4 81630

Ted Sharrow Kate Hertz

170 401 580 4001

Chick May 22  
3.00

Tracy  
Grand  
Caroline

Johnny F. 2988  
Shirley 4-74

405 775-3934  
2857  
3-2

610 416-2613

Paula Dene Finner

Margaret Goodwin

John F. 2988

Shirley 4-74

Shirley 4-74

Shirley 4-74

401 827-1200

Esther 2988

Shirley 4-74

Shirley 4-74

58,500

Patricia  
Linda

401 245-7418

474 8171

4-27

Bill

@ 1st

4-27

4-27

John & Gabe Friedland

4-15

4-15

4-15

4-15

299 Ave #20.46

Melinda

256 M  
209 F  
314

Pharm  
Deep  
401 954-1623

Janet

David 800 280-0555

X 22084

837 419-2014

Jim Grace  
Mur

Jack

Tom D

441-4877

247-1413

3:30

Marion

4148

2534 2-10

974-930 3886

1234567

Mike Hoped

Antioch Brake

Long Bruce

ASS light

249-1413 H.

Balance Problem

8089062

050470345

Rand Peter

MIKES  
Ellie Robert  
Dealer Final

2008 Mustang

419-8830

419-9 (Bentley)

419-9

Hand Grader

3018

Key Bill

419-9

419-9

180 631-6100

X 101384

Sherry

Randa Laughlin

Travis Davis

438-4949

Brian

2998 49

~~Joseph~~  
~~Adams~~

Gennie Taylor Acuna  
withed - 640 6832

Semiway, Most Fine

508 737-2986

~~Suburban Miller~~

St. Repose

4401 378-2679

508 328 2390

~~Antennae?~~

401 619-0373

401 642-1941

Morris - Tru - 621-8609

~~Miller~~

AS  
Glenwood Cooper  
Wash 54

~~Frank AS FR~~  
9013-9013

PD 1308 N.Y. 1144

~~W. Stankle~~  
~~Miller~~

30 day  
game, # side

~~Bob - Duke~~

Best  
Mactech

508 509 7191

1997 Jimmy  
Custo Custer

508 823-7440

Release

416 6822

Jamison, Thacker

2957

Sanford

433 4658

115 6045

183 0034

Don Drummie

436 0494

12/31/01

1997 Jimmy  
Custo Custer

game mail

Don Drummie

508 509 7191

N<sup>23</sup>

Remond, Ben  
1st Mt. Sallant

3029

Chris Malone  
525-9998

MRK 112

683-4988

Mod. life

Shelly Tree  
Steady State

9960044

Ind Med

Paul, Juan  
Candice  
2997  
9-71

Quadr. B. Fork

401 751 4036

805-49580

Cucki

2983

4-67

5310000  
MLK 8/3/44

435-10

Ind. Langdon

1272

481-2001

481-98

Apple

Charles Schmitt

Conrad 2884

4673080

3-4

92

617 2058 cell

File

4381803

Reporter

508 737 2984

mid night

to left

to right

to left

to right

to left

to right

to left

to right

to left

to right

435,54

33498

568

4682

6140.1

5280

5280

2981

435550

2981

435550

2981

435550

2981

435550

2981

435550





Paper

May 12

Don't know

Stamp

44 x 5 1/2  
44 x 5 1/2  
44 x 5 1/2

360  
360  
360

3034

See also

For 1946-47

See also

44 x 5 1/2

44 x 5 1/2

125

44 x 5 1/2

For 1946-47

44 x 5 1/2

44 x 5 1/2

44 x 5 1/2

550

20 April Sales

10/10

35

3470

44 x 5 1/2

44 x 5 1/2

44 x 5 1/2

44 x 5 1/2

44 x 5 1/2

44 x 5 1/2

44 x 5 1/2

44 x 5 1/2

44 x 5 1/2

44 x 5 1/2

44 x 5 1/2

~~Paul Foster~~

Chris Motyka

431-5281

peep 3059

~~Master~~  
~~Garson~~

Shafarkey

142nd  
H/A 8200

Andie 374 7026

3rd

~~Mr. Mount~~  
~~Frank~~

Mage Day  
Kearney  
Newcomb

~~1st~~  
~~1st~~  
~~1st~~

5th

74, 599.07

~~1st~~  
~~1st~~  
~~1st~~

Napkins

76, 599.07

~~1st~~  
~~1st~~  
~~1st~~

Garson

3015

~~1st~~  
~~1st~~  
~~1st~~

Garson

1414

~~Paul Foster~~  
~~Garson~~

Mark  
ST.  
401 323 5432

Garson

June 4th 8:00 Monday  
Evening Post Mon 1330

6:30

~~Garson~~  
~~Garson~~

Garson  
Det. Demore

1st Rental

Spider  
821-2931

244-983

254, 425

244-717

279 15 276

344-508

508 531

1414

1414

Garson  
230 2536  
Garson  
1414

~~Cartwright -~~  
Waiting for stock.

246 0188 Work  $\frac{1872}{3176}$

\$30.00 / 900  $\frac{341}{1871}$  \$6435.48

\$5215  $\frac{450}{2212}$  4920.34

\$5725  $\frac{450}{2212}$  8479.51

\$94328.14 Down 990 9258 1973.12

~~Blomfield~~

~~Tomblin~~

~~Tomblin~~ 334012

~~AT the same time~~

~~good~~

Rodman Ford  
7 Jun 1980

Ford, Mr

1800 541-2777

William H. Carter  
1100 YAHOO.COM

2003

Kathleen Ford

Sumner - 12317

98 508 946 Suppl. based on 255-9920

11508

East Bus.

George

431-2380

Copier

Schedule

Low Service

28

CASTLEMAN 11  
YAHOO.COM

Michelle Perini

Morie King

3045  
Beckas Loran

Qute George Morain

710248

4.00

See 2449253  
Deanna RSR

11248  
- 3000  
= 8248

Antonius Gomes  
& Brian Hill Rd

Antonius

North

3,125.15  
1,503.66

10th floor  
1st floor

78,558.55

02404

For - Bill Meares

3101

Teal 31,47  
SS. 49.60  
Mede 11.60  
Rut 12.73  
TDE 10.40

6th 1450.00  
5th 1352.98  
1621.49

E-mail for

88

1621.49

781-8551

Anthony -

05470345

Jimmy? Terrie Stenhouse 3045  
4-10

Thy Shime

DD  
\$13528

under the party

5th

198

1003 384

Albake

Sherman Udegar - Mon  
401 255-1849

1003 384  
1302 MFB

MVR  
Payroll

Drumgo

*[Handwritten signature]*

John.

\$540.-

*[Handwritten signature]*

39826 Dr

6/17/30 only

43,272

9:20 AM

14

James M. Smith

77496

~~508~~

9/13/8

20/5

249

~~1000 - 1000~~

11. 28. 2020

11/11/11

~~2020/12/24~~

~~Rui \$270 - 3046  
Lambert, Janis 5-44  
1003~~

~~April 12 1901~~

*[Handwritten signature]*

Spencer - Debenture  
Maid - 1/2 share to Spencer

Chasin Scott

✓  
11.2.98

290

Servant

**R. 89**

Order paid  
Amount \$100.00  
Pdt 4/22/2016

~~Andreas de la Cruz~~

~~Adm / 10/15/91~~

~~503.2~~

1

3000

11.00  
16.50  
14.50

Nov 14 1885

14. 2. 20

13. 10. 1951

3111

Brown  
Horn A.M.

Alison Munkell  
Pune Lane 508679-6611

Madison Samson  
5087372486

Deposit to D. Biggley from BCSB  
DPACed

Walter - Laurie 5079

438-7100 X930 5-81

Sarge - Red

43855043

Jules

Highlander 3105 5-06 started

Quadr 508 588-0600

Spokane  
Deposit

2665 P. Daniels  
Nessa 438 588-0600

Wino King W. Road 6992

490 9701

Spokane  
Deposit

438 588-0600

434-3833

5-33

490 9701

Spokane  
Deposit

438 588-0600

434-3833

5-33

490 9701

Spokane  
Deposit

508 946 4449

434-3833

5-33

490 9701

5-73  
Mona Davis  
Steve  
Ade

434-3833

490 9701

317

30, 682 98  
31 70 = 61 Red

434-3833

490 9701

Call for 5 02 Camry 4437

434-3833

490 9701

Andy Brackel

*[Signature]*

Cindy Arnold & the  
Cindy McNeil & Co.

Quaternary / 36.25  
Quaternary / 36.25

Appraisal 25.1  
damages 38

Spencer Davis 1721

91

$$\frac{997 - 61}{86} = 11.4$$

~~✓~~

10/10/2019

by by

5 (7 only photo)

2015/12/20

7466 w

508751-3101

18381 Charles H.

\$106.46.<sup>23</sup> 1977 51

1935









~~Richard Duesterholz~~  
1016321 Blank#

~~Arm Corp~~  
8019972 9836 2001 Sundown

~~8019972 X15658~~

~~508 611-3658~~

~~6-72~~

~~7/20/83 611-3658~~  
~~508 611-3658~~  
Mach screw  
Food Surfer

~~7/20/83 5111~~  
2006 Tundra  
401 633-2808  
401 633-3130

~~7/20/83 5111~~  
2006 Tundra  
401 633-2808  
401 633-3130

~~7/20/83 5111~~  
2006 Tundra  
401 633-2808  
401 633-3130

~~Sue Scheller~~  
2001 Sento  
3163

~~3163~~

~~3163~~

~~3163~~

~~3163~~

~~3163~~

~~3163~~

~~3163~~

~~3163~~

~~3163~~

~~3163~~

~~3163~~

Equipment Related

Mon

SaleStart  
for Motors

VENTURA

800 448 7292

1508 824-7292

CARLOS

WAKINAPALA

2001 Ford Civic 1-245

33450 3111

6334513

41 Sundown

6334513

6334513

6334513

3190 Missing  
3202 - 28<sup>th</sup> 9<sup>00</sup> F.R.D.

19 mi this mth

Bill Maud ->

1145  
phone - 508 252 4312

3204

Good Body

Ed Brandy  
392-1034

323 5169  
1st 200

Mike, Depack, Gueber, Ant.  
Lunar Sales Inc, Billo, Post Billo  
Sweeney, Bluebird, Delon

George America

Bilalupa, Police 3191

2007 11/12  
2007 11/12  
2007 11/12

Alto ->  
508 252-3120

Peter - Corolla  
Enter Mike

Jim Jackson

322 719

James Cameron

July 1 2008  
July 1 2008

28<sup>th</sup> 11/12

28<sup>th</sup> 11/12

2007 11/12  
2007 11/12  
2007 11/12

2026-2025 Drum

334 Ken

~~2025-2024~~  
~~Michelle Wall~~ Mrs. Leonard

2/108 2522 — ✓ \$252.88

Kelley Rose 488263  
52,853 paid

Lucy 41126  
\$35,410 paid

\$48,141  
\$3138 paid

affair  
spend 1st Sur

no spend 1st Sur

123 12345 Thurs 9:30

church SAT  
gender  
2003 Squares

Diane Cornuelle

Don M.

Aug 22

2021 ✓ pg 1 25,291.62

Barry

Spokane 2 51,831.10

Quaker

58,943.55 4. 89,443.55

Quaker

1049.22 ✓ 88263.00

2002

1049.22 ✓ 1180.55

1800992642

1049.22 ✓ 8839433

X86

1049.22 ✓ 8839433

17646

1049.22 ✓ 8839433

17646

1049.22 ✓ 8839433

17646

1049.22 ✓ 8839433

17646

1049.22 ✓ 8839433

17646

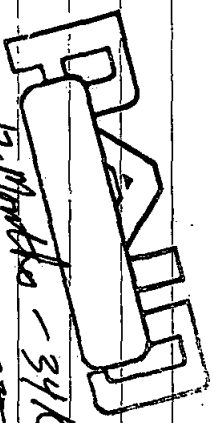
Bank

3207

Turnpike South

Truck

Truck Tractor  
US08 946-6912



12 months - 34K

2850/month

3000

Speed 70K

4x12=48 x

Card Tow 412

4,200

Truck 25

250

Variable 37

Plaster Plaster

Alaska 536-1830 Air Spreader

3205 6-54

Bankbook - Bond  
413 575 0996

17,694.08

Gas Store

1099 Piller

Seaman Plaster

278 2395

506 2109-0702

Camry 2003

\$100.25

6/23 12,537.42  
5/27 2,322.31

14,675.73

17,694.08

3018.33

3207 312

11,694.42

536 1830 531.18

506 2109 2842.18

2314.48

3205 6-54

929.44

P12 - Pay 13.16

\$14,741.90

17,694.08

\$2,952.18

Land Forester

Sales Taxes

South Shore

St. Lawrence

Tacoma

~~Butler 1234~~  
~~4444.33~~

Smucker -

BIG ICE

DEMOIS

SYSDADMIN

11/11/1234

PASSW0RD1

Toyota →

Kapota

861-9652

Handwritten - Toy Corolla

make

Tim Duffy

781-267-5057

3189

781-267-5057

Faded

3038

Handwritten

314-8128

Handwritten

314-8128

Handwritten

3236

Handwritten

\$4000

3246

297 -

287, Nov

John Palmer

→

617 306 5457

BMW 06

\$248

SHIRLEY'S

Shirley to Mark

\$244,712.34

Trumpet

Book

White

Book for

10, 368.15

Book

White

Book for

10, 368.15

Book

White

Book for

10, 368.15

Book

White

Book for

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Book for

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Book

White

Book for

10, 368.15

Book

White

Book for

10, 368.15



186

~~3500~~ Loc B. + Reg

~~3500~~ Steve Spector - Ed

2007 EPP332

Hyundai

444-4582

3238

67

Allyance

908496 1157

Elabor

3233

61734

621

Misty

20

1516

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1039

1039

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1039

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Steve St Onge 639-9044

Hyundai - Highland, Maun

278-6072

3236

Justin Entaprase

Ten Smith

Denno Deaveris

2001 Summa

Shelia

508 8237440

Kelly Chmori

4901 794772905

Theron

Right side needed

800854

6011

1866958086

32426

32426

32426

32426

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32426

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32426

32426

187

100





272-1166  
chip

Wash Tompkins  
269-5904 / Grace Audi

Add Bill page - create  
create - Save - bottom

Add bill payment

Change for second payment

Notes: 10 day prior 2 weeks

Be sure to post  
to check book

Be sure to put date

Handwrite - Friday  
To Date - pay date

09 Camm  
Phone Stalk  
Acme 72  
568-0061  
3278

Quail - Henry  
Brawl - Sam 595463  
Wash 2606  
437 2606  
Quail 960  
Quail 48  
Quail 147.00  
Quail 53 59, 52

Ken Smith \$12500  
75  
Deposit  
974-930 3886  
Mike  
Randy Stone  
Fondemonster 659-9044  
99 Boulder 7-15 3267  
91-9632  
Don't Start

10301 Med 13.92  
R.I. 40.38  
T.D.I. 11.86



John Leonard Lewis

Travels

~~Cheney St~~

Cheney St

3229

1st Floor

(7)

John P. Lewis

7/28

433-9454

John P. Lewis

Franklin

John P. Lewis

123

788 329 2391

John P. Lewis

John P. Lewis

788 329 2391

4901 619 0373

4901 417 7489

John P. Lewis

4901 662-1947

John P. Lewis

508 265-5136

508 636 8680

John P. Lewis

John P. Lewis

John P. Lewis

John P. Lewis

John P. Lewis

18

John P. Lewis

13

John P. Lewis

1768

John P. Lewis

John P. Lewis

John P. Lewis



Allstate 50<sup>00</sup>

Shelly Desjardins

508 993 0251

993-~~03~~3603

June

435-3600

x1327

508 823 2751

Diane Chandler

~~828 5440~~

Spang South Sea

\$30,676.07

\$158.06

David Saurhlin

255 4270

Seep Chenopel

2001 Live

Dance with

Murci

~~Robert~~ Conley

Mike Kin

Police

Dunphy

3214

7-21

432-1220

Gabe / 1000 ft.

Gabe + Betty

Mur

340 1/5

Emerson

28

John

21

78

4430.



Bristol County Sheriff's Office  
400 Faunce Corner Road  
North Dartmouth, MA 02747

Your Full Name: HARVEY BIGELOW  
*Su Nombre Llano*

ID#: 175336

Unit & Room # 2E 244  
*La unidad y Número del Cuadro*

HONORABLE JUDGE PHILLIPS

Dear Mr. Michael and Mrs Susan Costello  
and the Rehoboth Community.

First and foremost it is my  
intention to hereby profoundly and  
sincerely apologize and beg forgiveness  
for my inappropriate behavior of  
three years ago. Having watched the  
testimony of you both in court, &  
witnessed first hand all of the  
distress, emotions, feelings, emotionally  
trauma, discomfort and unrest I have  
caused, I am so, so sorry. I hope  
you can begin to believe that this was  
not my intent to do so. I did not  
recognize the harm I caused.

Again, I take full responsibility  
for my actions and to make no  
excuses.

Though I have only met Michael on  
several occasions Susan never, I  
respectfully reach out to both,

I am profoundly and sincerely sorry,  
beg forgiveness, and apologize

Respectfully & Sincerely  
Harvey J. Bygones



TO: HONORABLE JUDGE PHILLIPS

3/26/13

MR. MICHAEL AND MRS. SUSAN CASTELLO

FROM: HARVEY J. BIGELOW

ASSIGNMENT: TO WRITE A LETTER OF APOLOGY TO  
MR. & MRS. CASTELLO FOR THE NEWSPAPER

DEAR MICHAEL AND SUSAN,

FIRST AND FOREMOST IT IS MY INTENTION TO HEREBY  
PROFOUNDLY AND SINCERELY ~~AP~~ APOLOGIZE AND BEG  
FORGIVENESS FOR MY INAPPROPRIATE BEHAVIOR OF THREE  
YEARS AGO. HAVING WATCHED THE TESTIMONY OF YOU BOTH IN  
COURT, I WITNESSED FIRST HAND ALL OF THE DISTRESS, EMOTIONS,  
FEELINGS, EMOTIONAL TRAUMA, DISCOMFORT, AND UNREST  
THAT I HAVE CAUSED. I AM SO, SO, SORRY. I HOPE YOU CAN  
BEGIN TO BELIEVE THAT IT WAS NOT MY INTENT TO DO SO AND  
ALTHOUGH MY FRUSTRATION WITH THE MANY POLITICAL  
ISSUES ON THE TABLE IN THE TOWN OF REHOBOTH AT THE TIME,  
I MEANT NOTHING THREATENING OR PERSONAL TO ANYONE.  
I CAN ONLY CONCLUDE THAT MY PASSION AND OPINIONS  
REGARDING THE INJUSTICES, THAT I PERCEIVED GOING ON,  
"GOT THE BEST OF ME", AND INFLUENCED ME IN A VERY  
NEGATIVE WAY. IN 24/20 HINDSIGHT, NO WAY ~~TO~~ AN  
EXCUSE TO CIRCULATE SUCH LETTERS.

I WOULD BE REMISS NOT TO SAY AT THAT TIME IN  
THE HISTORY OF REHOBOTH POLITICS, I ALSO, LIKE MANY  
OTHER RESIDENTS RECEIVED MANY ~~OTHER~~ RAMPAANT AND  
INAPPROPRIATE, UNSAVORY, LETTERS BOTH ON LINE AND  
IN MY MAIL BOX. I TOO FORWARDED THESE LETTERS  
TO POLICE AS THEY WILL ATTEST. MY CONCLUSION AT  
THAT TIME WAS THAT THE LETTERS I RECEIVED WERE  
THE VENTING OF MANY FRUSTRATED, ANGRY, ~~OR~~ PASSIONATE,  
AND ~~BE~~ THREATENED REHOBOTH TAXPAYERS, WITH THEIR  
VIEW OF CORRUPTION IN TOWN. I TRASHED MOST OF  
THEM, <sup>(LETTERS)</sup> AS THERE WERE SO MANY, THE REHOBOTH POLICE  
(OFFICER RAMOS) SHOWED ME A 2" STACK OF LETTERS.

AGAIN, I TAKE FULL RESPONSIBILITY FOR MY ACTIONS  
AND MAKE NO EXCUSES.

DURING THE PAST TWO WEEKS (15 DAYS) I HAVE PAID THE ULTIMATE PRICE AND HAVE BEEN PUNISHED FOR MY CRIMES. AT ALMOST 70 YEARS OLD I HAVE BEEN LOCKED IN A CELL 23 HRS. PER DAY, WITHOUT MY MEDICATIONS, FOOD UNFIT TO EAT, LITTLE SLEEP, A VERY HARD BED AND AN ENVIRONMENT WITH 1500 VIOLENT CRIMINALS. MY EXPECTATION OF BEING THERE ONE WEEK, SOON TURNED TO TWO AND I AM UNCERTAIN OF MY FUTURE. MY ONLY SON WAS A STAR WITNESS AGAINST ME AND TESTIFIED AT TRIAL. WE ARE IN THE MIDDLE OF A LAWSUIT FOR OTHER BUSINESS ISSUES INVOLVING MONEY THAT I HAVE LOANED HIM.

SO AS YOU CAN SEE "I GET IT." FOR THE PAST <sup>MOST</sup> 2 WEEKS I HAVE HAD THE UNDISTRACTED, INTIMIDATING, SCARY, UNCERTAIN, PUNISHING AND HUMILIATING EXPERIENCE OF MY LIFE. A LONG TIME TO REFLECT AND PONDER OVER AND OVER THE REASONS FOR BEING THERE.

AT THIS POINT IN MY LIFE, I CAN ASSURE ALL THAT I WILL NEVER AGAIN VENTURE INTO OR PARTICIPATE INTO THE MEAN AND VASTY "BLOOD SPORT" OF REINOBTH POLITICS. EVERYONE DESERVES A PEACEFUL LIFE. I WISH THAT THE PRESENT AND YOUNGER GENERATION CAN FIND A WAY TO PARTICIPATE IN POLITICS IN A MUCH MORE INTELLECTUAL, LESS VINDICTIVE AND SELF SERVING WAY. WE NEED MORE GOOD PEOPLE TO STEP UP.

FINALLY, THOUGH I HAVE ONLY MET MICHAEL ON SEVERAL OCCASIONS, SUSAN NEVER. I RESPECTFULLY REACH OUT TO BOTH OF YOU WITH A SIGN OF PEACE.

AS I HAVE HEARD MR. COSTELLO SAY AS SELECTMAN MANY TIMES "WE NEED TO PUT OUR PAST DIFFERENCES BEHIND US AND MOVE ON." I SINCERELY AND RESPECTFULLY AGREE.

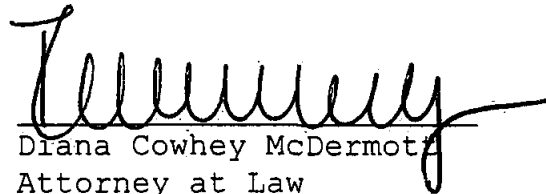
AGAIN, I AM PROFOUNDLY AND SINCERELY <sup>ELY</sup> SORRY, BEG FORGIVENESS, AND APOLOGIZE.

RESPECTFULLY AND SINCERELY,

Harvey J. Bigelow

**CERTIFICATION**

As counsel for the appellant, Harvey J. Bigelow, I certify that this brief complies with the rules of the court pertaining to the filing of briefs, including Mass. R. A. P. 16(a)(6) (pertinent findings or memorandum of decision); Mass. R. A. P. 16(e) (references to the record); Mass. R. A. P. 16(f) (reproduction of statutes, rules, regulations); Mass. R. A. P. 16(h) (length of briefs); Mass. R. A. P. 18 (appendix to the briefs); and Mass. R. A. P. 20 (form of briefs, appendices, and other papers).



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Tele: (508) 548-5356  
Fax: (508) 388-7566  
dianaesq@comcast.net

Dated: 12/18/14